



VT Agency of Transportation

Three Year Affirmative Action Plan 2013 - 2016



June 2013

Vermont Agency of Transportation
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VERMONT AGENCY OF TRANSPORTATION

3 YEAR AFFIRMATIVE ACTION PLAN

2013 - 2016

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VTrans Affirmative Action Policy Statement

The Vermont Agency of Transportation (VTrans) strives to provide a working environment that is free of harassment and illegal discrimination at all levels. The Agency maintains an on-going commitment to the principles of Affirmative Action and Equal Opportunity.

The Agency's goals are to ensure the elimination of barriers and impediments to Agency employment while providing opportunities for training, upward mobility, and career enhancement to all Agency employees in accordance with the principles and tenets set forth in relevant laws, rules, and regulations governing Affirmative Action and Equal Opportunity Programs. To that end, the Secretary of Transportation, as the Agency's Chief Executive Officer, has pledged his full commitment to the principles of EEO for all persons, regardless of race, color, religion, national origin, sex, age, disability, pregnancy, sexual orientation, gender identity, transgender status, ancestry, place of birth, or HIV status. The Secretary has given full responsibility and authority to the Agency's Civil Rights Deputy Chief, who is the Agency's designated EEO Manager, to implement, monitor, and enforce all EEO/AA Program components.

Commissioners, directors, managers and supervisors are evaluated on the success of the Agency's Affirmative Action program, including the accomplishment of program goals and timetables, within their respective areas of authority as part of their regular performance evaluations. They share in the responsibility to implement and enforce EEO/AA Program components, and they are assigned specific tasks to assure that compliance is achieved.

This policy prohibits discrimination as defined by Title VII of the Civil Rights Act, as amended, and other federal and state laws, on the basis of race, color, religion, national origin, sex, age, disability, pregnancy, sexual orientation, gender identity, transgender status, ancestry, place of birth, or HIV status. It covers all areas of employment practices, including recruitment, hiring, promotion, demotion, transfer, layoff, termination, training, rates of pay and other compensation and Agency-sponsored social or recreational events.

The Agency supports and adheres to the requirements and directives contained in Title VI and Title VII of the Civil Rights Act of 1964; Executive Order 11246 of 1964 as amended; Executive Order 11375 of 1972; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973 as amended; the Americans with Disabilities Act of 1990 and all other pertinent Federal and State of Vermont laws and statutes and their successors.

All such laws, rules, regulations and guidance relating to Affirmative Action and Equal Employment Opportunity, unless specifically excluded, are hereby incorporated into this document by reference.

Notwithstanding the Agency's unequivocal commitment to enforcement of all applicable EEO requirements and directives, the Agency recognizes the right of any employee or applicant for employment to file a discrimination complaint. The Agency will address and resolve all discrimination complaints as expeditiously as possible and in accordance with all applicable federal and state laws, and state and Agency policies and procedures.

Affirmative Action is the pathway to the level playing field of Equal Opportunity. Affirmative Action is intended to provide fuller utilization and development of previously underutilized human resources. Toward that end, the Agency will actively pursue achieving diversity in our workforce.

The Agency will continue its involvement with community-based organizations that share in our desire to provide equal opportunity to all. A solid base of resources that assists the Agency in achieving its Affirmative Action goals and meeting its mission is in place and continues to grow.

Through its EEO Program and Affirmative Action Plan, the Agency pledges its continued support of all laws, rules and regulations addressing non-discrimination and equal opportunity in the workplace.



Dated:

Sept 12, 2014

Brian R. Searles
Secretary of Transportation

Vision & Mission Statements / Agency Goals

VISION STATEMENT

VTrans' Vision is a safe, efficient and fully-integrated transportation system that promotes Vermont's quality of life and economic wellbeing.

MISSION STATEMENT

VTrans' Mission is to provide for the movement of people and commerce in a safe, reliable, cost-effective and environmentally-responsible manner.

AGENCY GOALS

Safety: Make safety a critical component in the development, implementation, operation and maintenance of the transportation system.

Excellence and Innovation: Cultivate and continually pursue excellence and innovation in planning, project development, and customer service.

Planning: Optimize the movement of people and goods through corridor management, environmental stewardship, balanced modal alternatives, and sustainable financing.

Preservation: Protect the state's investment in its transportation system.

Environmental Stewardship: Build, operate and manage transportation assets in an environmentally responsible manner.

EEO/AA Statements and Policies

The Agency endorses the State of Vermont EEO/AA Policy Statement and the State Affirmative Action Plan. In following the Agency's EEO Statement of Policy the Agency will implement and enforce the following:

- Compliance with State and Agency policies and applicable laws and regulations governing EEO/AA is every employee's responsibility. All employees will be held accountable for their performance with regard to illegal discrimination and harassment.
- The AA Plan will be implemented, maintained and evaluated by this Agency as would any other major program.
- All contractors, subcontractors, vendors, and consultants utilized by the Agency must also support this policy in accordance with all applicable Federal and State EEO/AA laws and regulations.
- No person shall, on grounds of race, color, religion, national origin, sex, physical or mental disability, or age, be subjected to discrimination in any program or activity, including those for which federal financial assistance is received. This fundamental operating policy shall include, but not be limited to recruitment, hiring, transfers, promotions, demotions, training, compensation, fringe benefits, employee recognition, employer-sponsored social or recreational events, layoffs and terminations.
- All Agency management personnel shall actively support recruitment and career development programs to ensure equitable representation of minorities, females and persons with disabilities in all job categories and pay grades. Specific efforts are being implemented to increase minority and female employment in underutilized job categories.
- All written bid announcements, requests for proposals, employment announcements, program brochures, literature, and general solicitations shall include the phrase: VERMONT IS AN EQUAL OPPORTUNITY EMPLOYER.
- Diversity and other EEO concepts, including harassment, discrimination, effective communication, conflict resolution, tolerance, and respect in the workplace, shall be woven into all employee development, supervisory and leadership training developed and/or delivered by VTrans.
- The Agency's new employee orientation (permanent, temporary, statewide transfers, exempt and others) will include information covering Non-Discrimination and Harassment, Equal Employment Opportunity, Diversity, Limited English Proficiency and Affirmative Action policies.
- The Agency will ensure that all applicants, recipients, sub recipients, contractors and/or subcontractors will:
 - A. Not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, physical or mental disability, or age or against any other specifically-identified individual or group protected under the law.

B. Take affirmative action to ensure that all such individuals are treated equally with regard to recruitment, hiring, promotion, upgrading, demotion, transfer, layoff, termination, disciplinary actions, rates of pay including any other form of compensation, selection for training and participation in employer-sponsored social and recreational events which shall include providing a written affirmative action plan designed to achieve full utilization of minorities and women in all parts of the workforce.

C. Post in conspicuous places and make available to applicants for employment and employees, notices setting forth the recipient's EEO policy. In addition, to notify applicants/employees of the recipient's procedures for filing complaints of discrimination both internally and externally with the EEOC, the Vermont Agency of Transportation's Civil Rights Office, the Vermont Attorney General's Civil Rights Office and/or the U.S. Department of Transportation.

State Policies – The Agency has adopted, in full, the Department of Human Resources Policies and Procedures Manual, including:

- EEO/Affirmative Action (3.0), dated: March 1, 1996
- Sexual Harassment (3.1), dated: March 1, 1996
- Reasonable Accommodation (3.2), dated: March 1, 1996
- Discrimination Complaints (3.3), dated: July 1, 1999

For additional information pertaining to these policies, please contact the Department of Human Resources at (802) 828-3491, or write to: Department of Human Resources, 110 State Street, Montpelier, Vermont 05620.

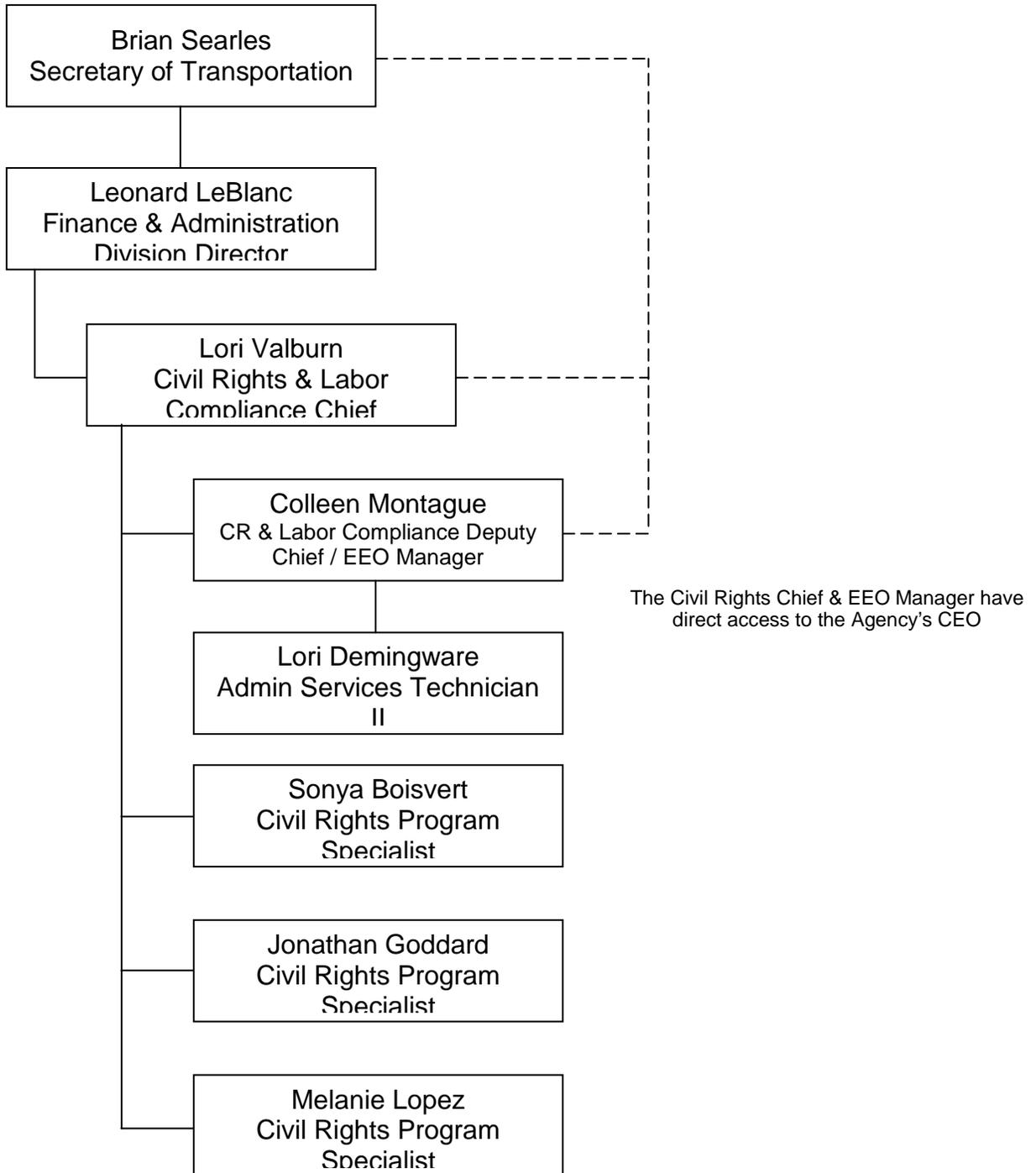
Agency Policies – The Agency of Transportation Policy Manual reinforces the Agency's commitment to State policies, and includes:

- Discrimination, Policy No. 2002, dated: June 1, 1996
- EEO/Affirmative Action, Policy No. 2004, dated: June 1, 1996
- Harassment, Policy No. 2012, dated: June 1, 1996
- Offensive Language/Sexually Suggestive Material, Policy No. 2015.1, dated: June 1, 1996

Agency Organization and Structure

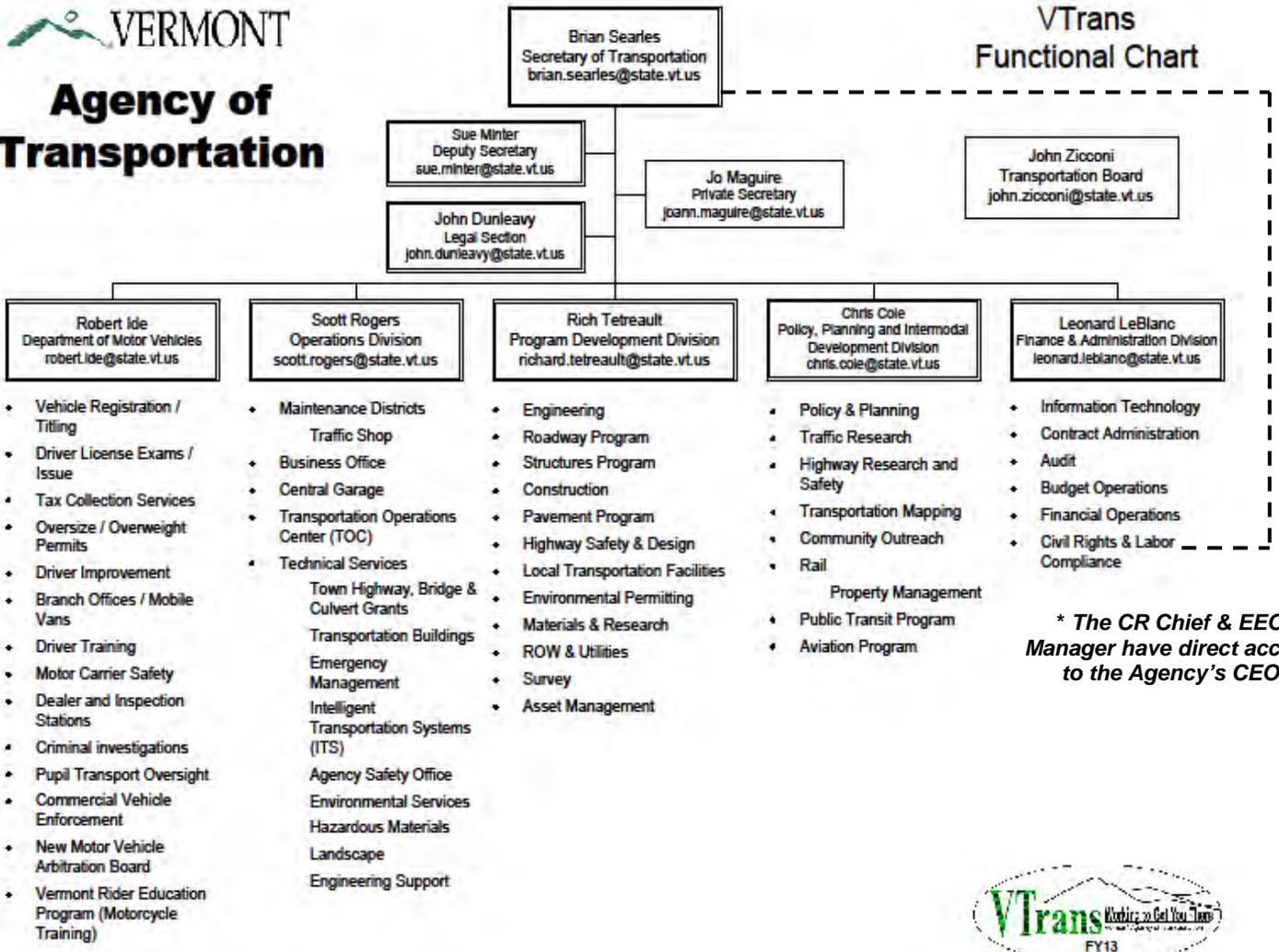


VTrans Office of Civil Rights & Labor Compliance





VTrans Functional Chart



Agency Personnel & Responsibilities

Secretary of Transportation - The Secretary has overall responsibility for the Agency's compliance with Equal Employment Opportunity and Affirmative Action laws and regulations. To carry out this responsibility, the Secretary shall:

- Provide support and direction for AA initiatives.
- Ensure the autonomy of the Civil Rights section.
- Ensure that the EEO Manager has direct access to the Secretary and the opportunity to provide and seek counsel as required in a timely manner.
- Ensure that the EEO Manager has full responsibility, authority and resources to implement this program.
- Ensure that the Division Directors and DMV Commissioner support the AA Plan and are accountable for achieving the outlined goals.

EEO Manager – The EEO Manager is charged with the overall responsibility for the development, implementation, and dissemination of the AAP internally and externally. The EEO Manager provides direction to Agency management including all Directors, the Commissioner, and other upper management members of the Executive Team. The EEO Manager has direct access to the Secretary of Transportation, the chief appointing officer of the Agency, and they confer regularly and frequently on workforce issues, including outreach and recruitment, hiring and promotion, classification, investigations and discipline, training and upward mobility, and other strategies designed to overcome barriers and achieve the Agency's AA/EEO goals and objectives.

In addition to the foregoing, the EEO Manager has the following responsibilities:

- Ensure that the obligations outlined in the AA Plan are met.
- Ensure that complaints of discrimination and harassment, of any type, are acted upon within the prescribed time frames.
- Administer Agency training programs in a non-discriminatory fashion ensuring that employees are aware of EEO/AA obligations.
- Ensure that all managers and supervisors are notified of any changes to policies, procedures, rules, and/or regulations that affect Agency operations.
- Ensure that the Secretary, Deputy Secretary, Commissioner, Directors and hiring authorities are informed of underutilization, EEO/AA responsibilities, and affirmative action achievements.
- Ensure that all federal reporting requirements are met.
- Ensure Agency involvement with other organizations.

- Develop policy statements, affirmative action programs, and internal and external communication techniques.
- Coordinate, investigate, and process formal discrimination complaints, in conjunction with the Chief of the Civil Rights Section and the Vermont Department of Human Resources.
- Assist in the identification of affirmative action problem areas and in achieving solutions to those problems.
- Design and implement audit and reporting systems that will measure the effectiveness of the programs, indicate any need for remedial action and determine the degree to which goals and objectives have been attained.
- Serve as liaison between the Agency and other enforcement agencies.
- Serve as liaison between the Agency and minority organizations, women's organizations and community action groups concerned with employment opportunities for minorities and women.
- Keep management informed of the latest developments in the entire equal opportunity area.
- Audit training programs and hiring and promotion patterns to remove impediments to the attainment of goals and objectives.
- Provide access to career counseling for all employees.
- Check to insure that all EEO and AAP posters are properly displayed, that all facilities maintained for the use and benefit of employees are in fact comparable for both sexes, and that minority and female employees are encouraged to participate in all Agency-sponsored educational, training, recreational and social activities.
- Investigate complaints of discrimination and harassment.
- Maintain records of all complaints and investigations of illegal harassment and discrimination.
- Assist in the identification of problem areas and in the establishment of goals and objectives.
- Assist managers and supervisors in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve goals. Such programs include specific remedies to eliminate any discriminatory practices discovered in the employment system.

Chief of Civil Rights and Labor Compliance – The Chief of Civil Rights and Labor Compliance supervises all Agency civil rights programs and staff, and works in collaboration with the EEO Manager to ensure that the policies governing equal employment opportunity, affirmative action and a harassment-free working environment are integrated into the everyday operations of the Agency's business, and to ensure that the obligations outlined in the AA Plan are met.

Agency Leaders: Deputy Secretary, Directors and Commissioner – Agency leaders share responsibility for ensuring that the Agency’s EEO policies and programs, as outlined in the EEO Program, are carried out. Agency leaders are charged with assuming the following responsibilities in implementing the Agency’s EEO Program:

- Assisting in identifying problem areas and establishing department and division goals and objectives.
- Being actively aware of local minority organizations that represent people with disabilities, females and people of minority status;
- Participating actively in periodic audits of all aspects of employment in order to identify and remove barriers to the achievement of specified goals and objectives;
- Holding periodic EEO related discussions with Agency managers, supervisors and employees to assure that the Agency’s EEO policies and procedures are understood and being followed;
- Reviewing the qualifications of all employees to assure that people with disabilities, females, and people of minority status are given full opportunities for promotions, transfers, training, salary increases and all other forms of compensation;
- Participating in the review and/or investigations of complaints alleging discrimination and taking appropriate personnel actions if discrimination has occurred;
- Including a review of EEO compliance in each employee’s performance evaluation;
- Supporting career counseling for all employees.

Managers & Supervisors – Managers and supervisors are charged with using their “best efforts” to provide equal opportunity to all individuals. To carry out this responsibility, all managers and supervisors shall:

- Disseminate information pertaining to the AA Plan, goals and accomplishments.
- Strive to eliminate all illegal barriers within the workforce.
- Take personal accountability toward achieving AA goals.
- Ensure that all instances of illegal discrimination or harassment are reported to the Offices of Human Resources and Civil Rights immediately.
- Provide equal opportunity to Agency programs and activities.
- Maintain a professional and courteous working environment in order to promote mutual respect among employees, supervisors and managers.

Employees – Agency employees are responsible for acting as professionals and promoting a responsible organization. To carry out this responsibility, the employees shall:

- Provide information and assistance to all individuals.
- Promote a cohesive and positive working environment.
- Treat all Agency employees and members of the public equally; with respect and dignity.
- Act in a manner consistent with Agency policies prohibiting discrimination and harassment.
- Report discrimination or harassment of any type immediately to the manager, supervisor, or the appropriate authority as outlined in the policy.

Communication of EEO/AA Policies and Program Plan

Comprehensive communication of the Agency's EEO Policy Statement and the Affirmative Action Plan (AAP), both internally and externally, is fundamental to the successful implementation of the AAP. The Agency utilizes a variety of effective internal and external formal communication mechanisms to publicize and disseminate the Agency's EEO Policy Statement and AAP.

- The Agency's EEO Policy Statement and the AAP are published in a prominent location on the Agency's internet and intranet websites;
- On an annual basis, the Agency's EEO Policy Statement and the link to the AAP are distributed electronically to all VTrans employees, with a cover e-mail from the Agency's Secretary affirming his commitment to EEO as a critical agency goal;
- The AAP is included as an agenda item and discussion topic at the Agency's Executive Staff meeting and at all other Agency staff meetings at least semi-annually;
- Agency managers and supervisors attend annual EEO Refresher Training where the Agency's EEO Manager reviews the EEO Policy Statement, the AAP, federal and state laws relative to EEO, the administration of the Agency's EEO Program, policies and procedures and manager and supervisor responsibilities relative to implementing the AAP;
- The Agency includes a presentation of the EEO Program as part of new employee orientation, and integrates EEO concepts in all other Agency training;
- The EEO Manager ensures that all required EEO posters and policy statements are prominently displayed in conspicuous and accessible locations in all Agency worksites;
- The Agency ensures that the EEO Program is included in all Agency personnel and operations manuals, and that the EEO Policy Statement is included in all employee handbooks, reports, manuals and union contracts;
- The Agency invites suggestions for EEO Program improvements from all Agency employees, including persons with disabilities, minorities, and females, who are invited to meet with the EEO Manager;
- On an annual basis, the EEO Policy Statement and the link to the AAP are distributed electronically to the Agency's stakeholders and partners, including contractors, consultants, grantees and other sub-recipients, other state agencies, community based organizations, advocacy organizations, academic institutions, professional organizations, trade associations, employment agencies, and public media sources, with a cover e-mail from the Agency's Secretary affirming his commitment to EEO as a critical agency goal;
- The Agency ensures that all Agency employment advertisements and vacancy announcements state the Agency is an Equal Employment Opportunity Employer;
- The Agency includes the EEO Policy Statement in Agency brochures, handbooks, and guides that receive widespread external distribution.

EEO Program Implementation Narrative

The Agency's EEO Manager, Colleen Montague, is directly responsible to the Agency's Secretary for ensuring that all AA/EEO obligations are being met. She devotes her full-time efforts to the development and implementation of the EEO/AA Program requirements and components more fully described in the preceding section. She works closely with Agency leaders, managers and supervisors to identify and correct problem areas and to develop programs and solutions to achieve the Agency's AA/EEO goals and timetables.

The Agency's Chief of Civil Rights and Labor Compliance, Lori Valburn, has served in that capacity since 1997. Along with the EEO Manager, she plays a critical role in the development and implementation of the Agency's EEO program, policies and procedures. She supervises all Agency Civil Rights programs and staff, which support the EEO/AA Program. The Agency's Civil Rights Chief chairs the Agency's classification committee and has served on the Governor's Workforce Equity and Diversity Council for the past decade.

The consolidation of the state's Department of Human Resources (DHR) in 2010 created some unique challenges for the effective administration of the Agency's EEO Program. In response, the EEO Manager and Civil Right Chief have strived to forge a partnership and develop protocols with the consolidated DHR, to ensure that all federal and state mandates are met with respect to EEO investigations, data collection and reporting requirements. In the area of outreach and recruitment, where DHR lacks the staffing or resources to adequately support the Agency's temporary and permanent hiring goals and objectives, the EEO Manager has stepped up to assume a greatly expanded role. Over the past three years, the EEO Manager has developed a comprehensive Agency-wide Recruitment Program, which draws on Agency "ambassadors" to assist in showcasing the organization's diverse range of career options at various job fairs and as part of an expanded youth outreach program to plant seeds for our future workforce needs.

The EEO Manager has spearheaded the Agency's outreach and recruitment initiatives, and developed a comprehensive program to address the diverse hiring needs of the Agency, at a time when it is most needed. In the wake of 2011's Tropical Storm Irene, VTrans has been given an unprecedented number of new positions (permanent, limited service, and temporary) to continue the rebuilding and recovery efforts. The EEO Manager has coordinated with Agency leaders, the Agency's Public Outreach Manager, hiring managers, recruitment committees, IT staff, and DHR to effectively identify and market the Agency's hiring opportunities through a wide variety of media: Career and job fairs (including secondary schools, tech schools, engineering and other professional colleges and universities, general public, and veterans), websites, listservs, social media and other electronic postings. As more fully detailed in the Program Elements that follow, during 2012 the EEO Manager coordinated that Agency's participation in several dozen outreach and recruitment events.

Much of the work of the EEO Manager and Civil Rights Chief has been devoted to identifying and eliminating barriers of equal employment opportunity. Since temporary employment has frequently served as the gateway to permanent employment for women, minorities, and other non-traditional workers, the temporary employment process has been significantly improved to create a more level playing field. Until 2012, all applications for the Agency's 100 - 200 temporary positions per year were submitted on paper applications that were inaccessible or unavailable to most hiring managers; as a result, many strong candidates were inadvertently overlooked. Working with the Agency's IT staff, the EEO Manager conceived and implemented a user friendly, cost free solution to the Agency's temporary application dilemma. Through the use of SharePoint, the EEO Manager developed an easy to use system that provides hiring managers with a central location (that can be accessed remotely) to store, review and retrieve temporary applications that are easily searchable by work

category and geographic location. The new system, which was rolled out in time for the 2012 temp hiring season, is a quantum leap forward and has been applauded by hiring managers throughout the Agency. As a result, the Agency had a much more diverse and qualified temporary workforce during 2012.

Another well received EEO initiative designed to address and eliminate systemic barriers to equal employment opportunity is the Interview and Hiring Training developed and delivered by the EEO Manager for the Operations Division, which includes the Agency's maintenance workforce. Since 2010, the EEO Manager has developed and delivered a variety of essential skills training, including Diversity Training, Supervisory Training, and, since 2011, Interview and Hiring Training. The EEO Manager has worked closely with DHR and Operations Division management and staff to identify training needs, and she continuously advocates for the mainstreaming of diversity concepts into all training topics. In 2011, the EEO Manager developed and delivered 5 sessions of full day Interview and Hiring training to approximately 100 staff in the Operations Division, which was very well received. In 2012, she enhanced the training, and provided 6 more sessions to approximately 120 staff. She is now scheduled to deliver the training on a monthly basis through the end of 2013, and has been asked to expand the training to other VTrans Divisions. Since the hiring process has been a major obstacle to the diversification of the Operations Division, promoting inclusion and raising awareness is a critical step to achieving the Agency's EEO goals.

Since the Agency's greatest EEO challenges (underrepresentation and underutilization, complaints of harassment and discrimination, etc.) are in the Operations Division, the EEO Manager has spent considerable time working with Operations management and staff to develop solutions and resources. She serves on the Leadership Forum Subcommittee on Recruitment and Retention, and makes presentations at all Maintenance District Spring Meetings, as well as DTA meetings and meetings with the District Project Managers and Administrative Assistants. These venues provide the opportunity for the EEO Manager to encourage and acknowledge the contributions of staff to outreach and recruitment initiatives, and to promote the resolution of conflict and communication problems at the lowest level. She has also served on interview panels and has conducted exit interviews with Operations' temporary employees.

During 2011, the EEO Manager worked closely with the Agency's Deputy Secretary and Directors of Operations and Policy, Planning and Intermodal Development to define the Agency's optimal use of social media for recruitment, marketing, and community engagement efforts, and to identify the role and job description for a Public Outreach Manager. Since the Public Outreach Manager came on board in December 2011, the EEO Manager has worked closely with him on outreach strategies and events, and she serves on his Agency-wide "super committee" to develop the Agency's communications tools (social media, website, newsletter, etc.)

Expanded youth outreach has been another successful strategy in the implementation of the Agency's AA/EEO Program. The EEO Manager coordinates the Agency's two summer youth programs, the National Summer Transportation Institute and the VTrans Youth Corps, as well as the Agency's participation in other youth outreach initiatives, including school-to-work initiatives (job shadowing, community based learning, internships, etc.), and a variety of middle and high school conferences and events (Women Can Do, Construction Career Days, and Rosie's Girls). At the request of the Operations Division, the EEO Manager has expanded the Agency's role in youth outreach events involving tech schools, middle schools, and Touch-A-Truck events. Over the past year, she has coordinated more than a dozen events involving the Maintenance staff and their equipment in every part of the state. All of these youth outreach initiatives involve staff support from multiple Agency divisions, and all provide additional opportunities to market the Agency as an EEO model and employer of choice.

While a comprehensive, Agency-wide approach is essential to the successful achievement of the Agency's EEO/AA goals, over the past three years the EEO Manager has focused considerable efforts on the Agency's Operations Division, for several reasons: As already noted, this Division, which includes the Agency's maintenance garages throughout the state, represents more than one-third of the Agency's internal workforce. The job categories in the maintenance workforce are also the Agency's greatest areas of under-representation and under-utilization for minorities and females. Because of the volume of positions, an aging workforce, and turnovers and promotions, the greatest numbers of job opportunities continue to come from the Agency's maintenance section. Historically, the highest numbers of the Agency's EEO complaints have also stemmed from this section, and arguably this sector of the Agency's workforce presents the greatest opportunities and challenges for culture change.

While the EEO Manager and Civil Rights Chief will continue to work aggressively on behalf of all employees towards meeting all EEO/AA goals and objectives, it is anticipated that a considerable amount of time will continue to be devoted to the challenges and opportunities presented by the Operations Division during the period 2013 – 2016, as more fully described in the EEO Program Goals and Objectives (Program Elements) immediately following.

AAP Implementation: Program Goals and Objectives

PROGRAM GOALS

Program Element:

Outreach, Recruitment and Hiring

Issue Statement:

The Agency needs to conduct effective outreach, marketing, and recruitment to attract the most qualified and diverse applicant pool.

Objective:

- Enhance active recruitment efforts to obtain qualified employees on a nondiscriminatory basis;
- Establish and maintain contacts with organizations representing minority and female, professional societies, and other sources of candidates for non-traditional, technical, professional and management level positions;
- Ensuring that recruitment literature and other marketing materials are relevant to all employees, including minority and female groups;
- Review and monitoring recruitment and placement procedures so as to assure that no discriminatory practices exist;
- Promote the Agency as a culturally competent employer of choice;
- Promote interest in transportation careers for young people.

Responsible Officials:

The EEO Manager, the Civil Rights Chief, Civil Rights staff; Agency Managers and Supervisors, Directors and Section Chiefs.

Accomplishments to Date:

- **Broad Outreach to Community-Based Organizations, Other State Agencies and Referral Sources:** Over the past decade the Agency's Civil Rights section has developed a strong network of referral sources for minority and female candidates seeking to enter the Agency's "external workforce" in highway construction careers. Over the past three years, the Agency's EEO Manager and Civil Rights Chief have been using many of these contacts to better promote the Agency's internal employment opportunities. Staff in the Agency's Civil Rights Section make presentations, hold meetings, and maintain frequent communication with a network of community-based organizations, other state agencies and referral sources, including the following organizations: The Vermont Refugee Resettlement Program, the

Central Vermont Job Developers Coalition, The Vermont Department of Labor, The Vermont Department of Vocational Rehabilitation, The Association of Africans Living in Vermont, Creative Workforce Solutions, The Vermont Center for Independent Living, The Vermont Commission on Women, and Vermont Works for Women. Recruitment literature has been updated and distributed, and these and other advocacy organizations are now receiving frequent electronic notification of the Agency's job openings.

- Job Fairs and Outreach Events: On an annual basis, the Agency actively participates and helps to sponsor and plan several dozen job fairs, career expos, career development conferences, and other outreach events, that are specifically designed to attract more minority and female candidates to explore the Agency's job opportunities. The EEO Manager has arranged to have staff and equipment from the maintenance garages and the Department of Motor Vehicles onsite during many of these events to pique interest and give students and prospective job seekers the opportunity to learn more about the positions from incumbents. The EEO Manager has also served as a panel presenter at a number of these events. Since the State of Vermont requires all job applicants to submit applications online, in an effort to break down barriers to job applicants, Agency staff have brought laptops and assisted job seekers to locate and apply for positions during the job fairs.

During 2012, the EEO Manager coordinated the Agency's participation in the following events: Vermont Works for Women - Transitional Careers Program, Barre, VT – 1/19/12 • Job/Career Fair for Military Veterans, Service Members and Their Families – Essex Junction, VT – 2/23/12 • Vermont Technical College Career Fair, Randolph, VT – 2/29/12 • University of Vermont Career Fair, Burlington, VT – 3/21/12 • South Burlington High School Trade Fair, South Burlington, VT – 3/22/12 • Norwich University Career Fair, Northfield, VT – 3/22/12 • 14th Annual Franklin Regional Job Fair, St. Albans, VT – 3/29/12 • River Valley Technical Center Career Fair, Springfield, VT – 4/3/12 • Central Vermont Career and Job Fair, Montpelier, VT – 4/5/12 • Newport Job Fair at VTrans District Garage, Derby, VT – 4/6/12 • Rutland Career Fair, Rutland, VT – 4/12/12 • Morrisville Mini Job Fair, Morrisville, VT – 4/25/12 • Vermont Department of Labor Business Wednesday Presentation, Burlington, VT – 5/2/12 • Southwest VT Career and Job Expo, Marlboro, VT – 5/10/12 • AGC's Construction Career Day, Montpelier, VT – 5/15/12 • Lake Champlain Bridge Celebration, Addison, VT – 5/19 & 20/12 • 30th Annual Highway Equipment Show, Barre, VT – 5/22/12 • VT Business & Industry Expo, Burlington, VT – 5/23 & 24/12 • Touch-a-Truck, Montpelier, VT - 6/9/12 • Vermont Works for Women Transitional Careers Program, Barre, VT – 6/26/12 • River Bend College and Career Expo, Bradford, VT – 9/11/12 • Lamoille Valley Career and Job Fair, Hyde Park, VT – 9/20/12 • Bennington Fall Career and Job Expo, Bennington, VT – 10/4/12 • Women Can Do!, Randolph, VT – 10/11/12 • Rutland County Annual Fall Job Fair, Rutland, VT – 10/11/12 • University of Vermont Career Fair, Burlington, VT – 10/17/12 • Norwich Career Fair, Northfield, VT – 11/7/12 • Veteran's Career Fair, Burlington, VT – 11/8/12 • Women's Economic Opportunity Conference, Randolph, VT – 11/10/12 • Northfield High School Trades and Technology Job Fair, Northfield, VT – 11/16/12

- Recruitment Group: The EEO Manager and Civil Rights Chief work closely with the Agency's Recruitment Group to recruit temporary and permanent candidates for the Agency's engineering, technician, IT, and other professional positions. The EEO Manager coordinates the Agency's preparation and participation in job fairs each spring and fall at 3 local colleges and universities, the University of Vermont (UVM), Norwich, and Vermont Technical College, In addition to updating informational handouts in hardcopy, the EEO Manager has created handouts on flash drives, which includes information on the Agency's engineering and technician positions, benefits, temporary applications, a PowerPoint presentation, and useful

links. The EEO Manager also distributes information on job vacancies for entry level engineers and technicians via listservs to regional engineering colleges and universities.

- Online Database of Applicants for Temporary Employment: Since temporary employment has frequently served as the gateway to permanent employment for women, minorities, and other non-traditional workers, the temporary employment process has been significantly improved to create a more level playing field. Until 2012, all applications for the Agency's 100 - 200 temporary positions per year were submitted on paper applications that were inaccessible or unavailable to most hiring managers; as a result, many strong candidates were inadvertently overlooked. Working with the Agency's IT staff, the EEO Manager conceived and implemented a user friendly, cost free solution to the Agency's temporary application dilemma. Through the use of SharePoint, the EEO Manager developed an easy to use system that provides hiring managers with a central location (that can be accessed remotely) to store, review and retrieve temporary applications that are easily searchable by work category and geographic location. The new system, which was rolled out in time for the 2012 temp hiring season, is a quantum leap forward and has been applauded by hiring managers throughout the Agency. As a result, the Agency had a much more diverse and qualified temporary workforce during 2012.
- Interview and Hiring Training: In 2011, the EEO Manager developed and delivered 5 sessions of full day Interview and Hiring training to approximately 100 staff in the Operations Division, which was very well received. In 2012, she enhanced the training, and provided 6 more sessions to approximately 120 staff. She is now scheduled to deliver the training on a monthly basis through the end of 2013, and has been asked to expand the training to other VTrans Divisions. Since the hiring process has been a major obstacle to the diversification of the Operations Division, promoting inclusion and raising awareness is a critical step to achieving the Agency's EEO goals.
- Youth Outreach: The EEO Manager and Civil Rights Chief manage the Agency's two summer youth programs, the National Summer Transportation Institute at UVM and the VTrans Youth Corps Program, which encourage interest in transportation careers at the high school level, and engage the Agency's staff in outreach and recruitment efforts. The Agency's Youth Outreach Program also includes a school-to-work component (job shadowing, community-based learning, internships), as well as planning, sponsorship and participation in annual Construction Career Days and Women Can Do events, which each attract between 400 – 600 high school and tech school students annually.
- Employment Diversity in Highway Construction (EDHC): The Agency's EDHC Program includes On-the-Job Training, CDL Training, Heavy Equipment Training, and Winter Skills Training for minorities and females seeking entry and/or career advancement in highway construction. The EEO Manager works closely with the OJT Program Manger to notify qualified candidates in the EDHC database of job opportunities within the Agency's maintenance garages.

Action Items (Initiatives):

- Continue to deliver Interview and Hiring Training; expand to other Agency Divisions, and continue to provide guidance to all managers, supervisors and hiring officials during the hiring process.

- More closely review and monitor recruitment and placement procedures so as to assure that no discriminatory practices exist.
- Ensure that EEO Manager has access to all applicant data to ensure that no discriminatory practices exist.
- Renew efforts to have Civil Rights Section representation on hiring panels for non-traditional, Agency employment opportunities where women and/or minority applicants are among the list of eligible candidates.
- Continue best practices of using Agency employees/ambassadors at job fairs; continue to publicize to EDHC database, and assist attendees in completing the online job application.

Time Frame for Completion:

2013 – 2016

PROGRAM GOALS

Program Element:

Training

Issue Statement:

The training of managers, supervisors and all Agency staff is a critical component to the success of the EEO/AA Program.

Objective:

- Require managers and supervisors to participate in EEO seminars covering the AAP, the overall EEO program and the administration of EEO/AA policies and procedures, and on federal and state laws relating to EEO;
- Mainstream diversity concepts into all training topics;
- Train appointing authorities, hiring managers and all other employees who conduct employment selection interviews in proper interviewing techniques;
- Create training and education programs designed to provide employees with information to define and enhance their career goals;
- Provide training and education on workplace respect;
- Provide training and education on diversity and cultural competence.

Responsible Officials:

Agency Leaders, Managers, Directors and Section Chiefs; the Agency EEO Manager, Civil Rights Chief, and Civil Rights staff.

Accomplishments to Date:

- Interview and Hiring Training: As more fully described in the preceding EEO Program Implementation Narrative and in the Outreach, Recruitment and Hiring Program Element, since 2011 the EEO Manager has developed and delivered a full day training on Interview and Hiring to more than 200 staff in the Operations Division. She is now scheduled to deliver the training on a monthly basis through the end of 2013, and has been asked to expand the training to other VTrans Divisions. Since the hiring process has been a major obstacle to the diversification of the Operations Division, promoting inclusion and raising awareness is a critical step to achieving the Agency's EEO goals.

Action Items (Initiatives):

- New Employee Orientation: Since 2000, the Agency of Transportation has provided some form of new employee orientation through its Civil Rights and/or Human Resources sections. The

purpose of this orientation is to provide all new employees with: An introduction to the functioning of the Agency, its mission and structure; a diverse range of useful resources, information and contacts; a strong and clear message that the organization is committed to fostering and maintaining a healthy and respectful workplace, a diverse workforce, a positive relationship between management and staff, and the development of career ladders. Inclusion of the EEO Manager and the EEO Program in new employee orientation has been minimal since the DHR consolidation in 2010. Currently, all new employees are provided with a handbook and a one-on-one meeting with DHR staff within the first few days of starting employment, but the EEO Manager is not afforded a formal opportunity to meet new employees, review the Agency's EEO policy and affirm the Agency's commitment to the concepts of diversity, tolerance, effective communication, and conflict resolution, as was the practice until 2010. The EEO Manager and Civil Rights Chief are currently working with Agency leaders and DHR to reintroduce an enhanced New Employee Orientation that will provide all new employees with a meaningful introduction to the Agency's leaders and mission, share useful resources, convey a strong and clear message that VTrans is committed to fostering and maintaining a diverse and respectful workplace, and ensure that all new employees have detailed information on unlawful discrimination, how to file a discrimination complaint, sexual harassment, the value of diversity, EEO and the AAP. To ensure that new employees feel welcome and to promote greater retention of new employees, an on-boarding process will also be introduced, which will include online resources and quarterly check-in meetings with Agency leaders and the EEO Manager.

- Annual EEO Training for All Managers and Supervisors: Mandatory annual EEO training for all Agency leaders, managers and supervisors is being developed. The training will be developed and delivered by the EEO Manager and will cover EEO, the AAP, unlawful discrimination, sexual harassment, obligations under the ADA, and respectful communication.
- "OUCH!" Training: A new training for all Agency staff is being developed to enhance skills for speaking up against stereotypes without generating blame or guilt. This training program, called OUCH!, has been successfully used by other state DOTs, including NHDOT. The training is relatively short, inexpensive and very effective at empowering employees to put a stop to inappropriate comments and/or behavior without confrontation or conflict. Once it is launched, it will be incorporated into New Employee Orientation.
- Survey Agency employees and managers to determine their training needs relative to diversity, harassment, ADA, discrimination, LEP, negotiation skills, communication, conflict resolution and mentoring.
- Ensure involvement of the EEO Manager in the development and delivery of EEO-related training, and ensure that the components of the AA/EEO Program and AAP are included in the curriculum for any EEO-related training.
- Ensure that all new supervisors receive mandatory supervisory training, to include EEO training. Encourage the assignment of mentors for all new supervisors.

Time Frame for Completion:

2013 – 2016

Program Element:

Job Structuring and Upward Mobility

Issue Statement:

To eliminate barriers and achieve AA goals, the Agency has designed and implemented programs to develop employee knowledge, skills and abilities and promote career advancement opportunities.

Objectives:

- Conduct periodic classification plan reviews to correct inaccurate position descriptions and to ensure that positions are allocated to the appropriate classification;
- Develop plans to ensure that all qualification requirements are closely job related;
- Where appropriate, restructure jobs and establish entry level and trainee positions to facilitate progression within occupational areas;
- Provide effective career counseling and guidance to employees;
- Create career development plans for lower grade employees who are underutilized or who demonstrate potential for advancement;
- Widely publicize upward mobility programs and opportunities within each work unit and within the total organizational structure.

Responsible Officials:

Agency Leaders, Managers, Directors and Section Chiefs; the Agency EEO Manager, Civil Rights Chief and Civil Rights staff.

Accomplishments to Date:

- **Classification:** The Agency's Classification Committee, chaired by the Agency's Civil Rights Chief, annually performs over 100 individual and class reviews of Agency positions; evaluates and revises job specifications, including job qualifications, to reflect actual job needs; meets with directors, managers, supervisors, and incumbents; and makes recommendations to the Agency Secretary and upper management on the need to extend position series, create entry level/trainee positions, de-centralize allocation for positions, etc.
- **Mentoring Program:** The Operations Division has taken the lead in developing a formal mentoring program, and it is hoped that the program will soon expand to the entire organization. Ideally, the program will be tailored to the specific needs of each Division and will encompass the different mentoring objectives of individuals at various stages of career development. The current program within the Operations Division consists of volunteer mentors who are paired with interested individuals (frequently new employees) in an informal relationship which is designed to meet the objectives set by both individuals; be it initial guidance for newer employees, career development advice or assistance in moving into the supervisory ranks.

- Workforce Development: VTrans promotes upward mobility by encouraging and financing employee participation in the State of Vermont Supervisor's Development Program and the Vermont Public Manager Program. The State also provides employees with a generous tuition reimbursement benefit that covers up to 80% of all tuition expenses for post-secondary and graduate course related to an employee's current job or other career related position in State government.

Action Items (Initiatives):

- Increase employee understanding of Agency diversity initiatives, AAP objectives and professional development/training opportunities.
- Expand the mentor program to include other divisions;
- Improve communication with employee groups and organizations to assess career development/training needs.
- Establish a schedule of regular contacts with all female and minority employees in under-represented categories, and offer more career counseling and guidance.
- Schedule regular in-person meetings with all female and minority employees in under-represented categories
- Work with supervisors of female and minority employees on an on-going basis in order to insure their commitment and support.
- Include upward mobility programs in EEO Training.
- Seek opportunities to establish a new hire buddy system for females and minorities.
- Continue to offer career counseling and guidance to all employees.

Time Frame for Completion:

2013 – 2016

PROGRAM GOALS

Program Element:

Promotions

Issue Statement:

The Agency needs to ensure that all promotional opportunities are widely publicized and that the selection process is free of any form of discrimination.

Objective:

- Provide an equal opportunity for all persons based on merit and without regard to race, color, religion, sex, or national origin;
- Monitor the operation of the merit promotion program, including a review of promotion actions, to assure that requirements procedures and practices support EEO/AA program objectives and do not have a discriminatory impact in actual operation;

Responsible Officials:

Agency Leaders, Managers, Directors, Section Chiefs & Supervisors; the EEO Manager, Civil Rights Chief, and Civil Rights staff.

Accomplishments to Date:

Job vacancies receive widespread distribution.

Action Items (Initiatives):

- Develop more effective agency-wide merit promotion program and monitoring and tracking procedures.
- Ensure that all job vacancies are posted conspicuously and that all employees are encouraged to apply for all jobs for which they feel they are qualified.
- Discuss promotional opportunities and procedures at New Employee Orientation and EEO training.
- Develop and disseminate better guidelines for managers and supervisors to understand the decentralized promotion system, to ensure that it is being implemented equitably in all Agency job series.

Time Frame for Completion:

2013 – 2016

PROGRAM GOALS

Program Element:

Layoffs, Discharges, Demotions, and Disciplinary Actions

Issue Statement:

The need for non-discriminatory application of procedures for terminations and downgrades is essential for an effective EEO Program.

Objective:

The standards for deciding when an employee shall be terminated, demoted, disciplined, or laid off must be the same for all employees, including minorities and females.

Responsible Officials:

Agency Management, EEO Manager and Civil Rights Chief.

Accomplishments to Date:

None.

Action Items (Initiatives):

- The EEO Manager will have access to all personnel records in order to monitor and ensure that all layoffs, discharges, demotions and disciplinary actions are conducted in strict compliance with all state and federal laws, regulations, and policies, and without any discriminatory patterns. Specifically, the EEO Program Manager will obtain, review, and maintain, at a minimum, records identifying the employee's gender, race/ethnicity, age, job category, and reasons for discipline, demotion, or termination.
- Exit interviews will be conducted with employees who leave the Agency's employment.

Time Frame for Completion:

2013 – 2016

PROGRAM GOALS

Program Element:

Other Personnel Actions

Issue Statement:

The need for developing systems to ensure non-discrimination in all employment practices is important to the success of the EEO Program.

Objective:

- Assure that information on EEO counseling and grievance procedures is easily available to all employees;
- Assure that there is an effective system for processing and investigating complaints alleging discrimination because of race, color, national origin, sex, age, disability and religion;
- Include in the performance appraisal system a factor to rate managers' and supervisors' performance in discharging the EEO program responsibilities assigned to them;
- Review and monitor the performance appraisal program periodically to determine its objectivity and effectiveness;
- Identify and correct any barriers to employees' access to equal opportunity in all benefits of employment.

Responsible Officials:

EEO Manager, Civil Rights Chief, Agency Managers and Supervisors.

Accomplishments to Date:

- Since 2008, the Agency has included on all performance evaluations as a mandatory major job duty/performance expectation that the incumbent must create and maintain a safe, non-discriminatory and hostility-free work environment and properly process complaints in a non-discriminatory and retaliation-free manner.
- Since the 2010 consolidation of all human resources departments under the Vermont Department of Human Resources (DHR), the EEO Manager and Civil Rights Chief have worked continuously and closely with DHR in an effort to develop an effective system for the joint processing of discrimination complaints, collection of employment data, and development of employee training.
- Information on EEO counseling and grievance procedures is widely disseminated during new employee orientation, EEO training and bulletin board displays.

- In 2011, the EEO Manager was successful in creating an onsite Lactation Room at VTrans central headquarters, with comfortable facilities to accommodate nursing mothers in the workplace.

Action Items (Initiatives):

- Articulate and document protocols, and respective roles and responsibilities between the VTrans Civil Rights Section and DHR for the joint processing of discrimination complaints, collection of employment data, and development of employee training.
- Develop a system for monitoring to ensure the equal availability of employee benefits to all employees.
- Enhance the VTrans EEO website to provide additional employee resources, including fact sheets, FAQ's, additional useful web links, etc.

Time Frame for Completion:

2013 – 2016

Data Analysis and Goal Setting

AGENCY WORKFORCE BY EEOC CATEGORIES FY 2012

JOB CATEGORIES	TOTAL	MALE				
		NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
		WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	40	37	1	1	1	0
PROFESSIONALS	278	273	2	0	2	1
TECHNICIANS	79	79	0	0	0	0
PROTECTIVE SERVICE	17	17	0	0	0	0
PARA-PROFESSIONAL	7	7	0	0	0	0
ADMINISTRATIVE SUPPORT	27	26	0	0	1	0
SKILLED CRAFT	392	390	0	1	0	1
SERVICE MAINTENANCE	34	32	2	0	0	0

JOB CATEGORIES	TOTAL	FEMALE				
		NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
		WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	12	12	0	0	0	0
PROFESSIONALS	127	121	0	3	3	0
TECHNICIANS	40	40	0	0	0	0
PROTECTIVE SERVICE	3	3	0	0	0	0
PARA-PROFESSIONAL	23	22	0	0	0	1
ADMINISTRATIVE SUPPORT	115	111	1	0	2	1
SKILLED CRAFT	7	7	0	0	0	0
SERVICE MAINTENANCE	5	5	0	0	0	0

JOB CATEGORIES	TOTAL	PERCENTAGE	
		% FEMALE	% MINORITY
OFFICIALS & ADMINISTRATOR	52	23%	5.8%
PROFESSIONALS	405	31.4%	2.7%
TECHNICIANS	119	33.6%	0.0%
PROTECTIVE SERVICE	20	15%	0.0%
PARA-PROFESSIONAL	30	76.7%	3%
ADMINISTRATIVE SUPPORT	142	81%	3.5%
SKILLED CRAFT	399	1.8%	0.5%
SERVICE MAINTENANCE	39	13%	5%

Agency New Hires for FY 2012

AFFIRMATIVE ACTION PLAN NEW HIRES FY 2012

JOB CATEGORIES	TOTAL	MALE				
		NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
		WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	1	1				
PROFESSIONALS	18	16			2	
TECHNICIANS	16	16				
PROTECTIVE SERVICE	1	1				
PARA-PROFESSIONAL	0					
ADMINISTRATIVE SUPPORT	3	2			1	
SKILLED CRAFT	17	16		1		
SERVICE MAINTENANCE	4	3	1			

JOB CATEGORIES	TOTAL	FEMALE				
		NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
		WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	1	1				
PROFESSIONALS	8	8				
TECHNICIANS	2	2				
PROTECTIVE SERVICE	1	1				
PARA-PROFESSIONAL	1	1				
ADMINISTRATIVE SUPPORT	5	4	1			
SKILLED CRAFT	0					
SERVICE MAINTENANCE	0					

JOB CATEGORIES	TOTAL	PERCENTAGE	
		% FEMALE	% MINORITY
OFFICIALS & ADMINISTRATOR	2	50%	0.0%
PROFESSIONALS	26	30.8%	7.7%
TECHNICIANS	18	11%	0.0%
PROTECTIVE SERVICE	2	50%	0.0%
PARA-PROFESSIONAL	1	100%	0.0%
ADMINISTRATIVE SUPPORT	8	62.5%	25%
SKILLED CRAFT	17	0.0%	5.9%
SERVICE MAINTENANCE	4	0.0%	25%

Availability Analysis FY 2012

When determining the percentage of minorities, women, and men with requisite skills within our recruitment area (the State of Vermont), VTrans has used the EEO Tabulation 2006 -2010 American Community Survey (ACS) 5-year data file. The EEO Tabulation is produced by the Census Bureau and serves as the primary external benchmark for conducting comparisons between the racial, ethnic, and sex composition of an employer's workforce to its available labor market. Data about the Vermont labor force by sex, race and ethnicity and crosstabulated by detailed occupations, EEO Occupational Groups, EEO-1 Job Categories and State and Local Government Job Groups have provided the data for the Civilian Labor Force (CLF) against which the VTrans workforce has been compared.

It should be noted that the statistics provided by the Census Bureau includes all job specifications within a particular EEOC category, not just those jobs which are actually present in the VTrans workforce. The data presented is the most accurate data currently available, however, because the EEOC categories are broader than the makeup of the VTrans workforce, actual availability and underutilization may be overstated.

OFFICIAL AND ADMINISTRATOR – EEOC 1

MALES

Total Applicant Pool:		44,695				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	25,020	80	290	379	30	
Availability Percentage	56.00%	0.20%	0.60%	0.80%	0.10%	

FEMALES

Total Applicant Pool:		44,695				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	18,365	64	165	184	60	
Availability Percentage	41.10%	0.10%	0.30%	0.40%	0.10%	

PROFESSIONALS – EEOC 2

MALES

Total Applicant Pool:		71,895				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	27,735	215	330	760	40	
Availability Percentage	38.60%	0.30%	0.40%	1.00%	0.10%	

FEMALES

Total Applicant Pool:		71,895				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	40,960	265	620	710	90	
Availability Percentage	57.00%	0.40%	0.90%	1.00%	0.10%	

**TECHNICIANS – EEOC 3
MALES**

Total Applicant Pool:		10,120				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	3,880	20	135	138	15	
Availability Percentage	38.30%	0.20%	1.30%	1.30%	0.10%	

FEMALES

Total Applicant Pool:		10,120				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	5,875	19	24	64	4	
Availability Percentage	58.10%	0.10%	0.20%	0.60%	0.05%	

**PROTECTIVE SERVICE – EEOC 4
MALES**

Total Applicant Pool:		4,545				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	3,590	25	100	50	30	
Availability Percentage	79.00%	0.50%	2.20%	1.40%	0.70%	

FEMALES

Total Applicant Pool:		4,545				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	730	10	19	4	4	
Availability Percentage	16.10%	0.20%	0.40%	0.05%	0.05%	

**PARA-PROFESSIONAL – EEOC 5
MALES**

Total Applicant Pool:		645				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	290	15	4	4	4	
Availability Percentage	45.00%	2.30%	0.60%	0.60%	0.60%	

FEMALES

Total Applicant Pool:		645				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	320	9	4	4	4	
Availability Percentage	51.10%	1.30%	0.60%	0.60%	0.60%	

**ADMINISTRATIVE SUPPORT – EEOC 6
MALES**

Total Applicant Pool:		85,795				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	28,015	435	395	380	15	
Availability Percentage	32.70%	0.50%	0.50%	0.40%	0.05%	

FEMALES

Total Applicant Pool:		85,795				
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	
Number	54,170	330	605	1,105	175	
Availability Percentage	63.10%	0.40%	0.70%	1.20%	0.20%	

**SKILLED CRAFT – EEOC 7
MALES**

Total Applicant Pool:		35,750			
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native
Number	32,945	95	345	279	130
Availability Percentage	92.20%	0.30%	1.00%	0.80%	0.40%

FEMALES

Total Applicant Pool:		35,750			
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native
Number	1,900	15	8	15	7
Availability Percentage	5.30%	0.05%	0.02%	0.05%	0.02%

**SERVICE MAINTENANCE – EEOC 8
MALES**

Total Applicant Pool:		95,195			
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native
Number	50,030	830	885	1,035	170
Availability Percentage	52.60%	0.80%	0.90%	1.10%	0.20%

FEMALES

Total Applicant Pool:		95,195			
	Non-Hispanic White	Non-Hispanic Black	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native
Number	39,360	624	720	1,270	100
Availability Percentage	41.30%	0.70%	0.80%	1.30%	0.10%

Utilization Analysis FY 2012

Underutilization determinations are based on the Agency's current workforce statistics measured against the percentage of minorities, females and males in the civilian labor force (CLF), as identified by the Census Bureau's EEO Tabulation 2006-2010 (5-year ACS data). Standard practice has been to use an eighty-percent utilization factor which compares the current percentage of minorities, women and men employed with the availability percentages in the CLF. Accordingly, if the current rate of utilization of minorities, women or men is less than 80% of the availability, the Agency would declare the job group to be underutilized. Underutilization does not necessarily imply the existence of discrimination.

VTrans has established "short term" and "long term" goals for those EEOC job groups where underrepresentation has been identified. We are hopeful that through a dynamic outreach and recruitment program, the availability in all EEOC categories of minorities, female and male applicants and hires will increase in all EEOC categories with underutilization.

Utilization Analysis FY 2012

JOB CATEGORIES	EMPLOYMENT PERCENTAGE				
	MALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
WHITE	BLACK				
OFFICIALS & ADMINISTRATOR	71.15%	1.92%	1.92%	1.92%	0
PROFESSIONALS	67.40%	0.49%	0	0.49%	0.24%
TECHNICIANS	66.38%	0	0	0	0
PROTECTIVE SERVICE	85.00%	0	0	0	0
PARA-PROFESSIONAL	23.33%	0	0	0	0
ADMINISTRATIVE SUPPORT	18.30%	0	0	0.70%	0
SKILLED CRAFT	97.74%	0	0.25%	0	0.25%
SERVICE MAINTENANCE	82.05%	5.12%	0	0	0

JOB CATEGORIES	AVAILABILITY PERCENTAGE				
	MALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
WHITE	BLACK				
OFFICIALS & ADMINISTRATOR	56.00%	0.20%	0.60%	0.80%	0.10%
PROFESSIONALS	38.60%	0.30%	0.40%	1.00%	0.10%
TECHNICIANS	38.30%	0.20%	1.30%	1.30%	0.10%
PROTECTIVE SERVICE	79.00%	0.50%	2.20%	1.40%	0.70%
PARA-PROFESSIONAL	45.00%	2.30%	0.60%	0.60%	0.60%
ADMINISTRATIVE SUPPORT	32.70%	0.50%	0.50%	0.40%	0.50%
SKILLED CRAFT	92.20%	0.30%	1.00%	0.80%	0.40%
SERVICE MAINTENANCE	52.60%	0.80%	0.90%	1.10%	0.20%

JOB CATEGORIES	UNDER UTILIZATION				
	MALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
WHITE	BLACK				
OFFICIALS & ADMINISTRATOR	NO	NO	NO	NO	YES
PROFESSIONALS	NO	NO	YES	YES	NO
TECHNICIANS	NO	YES	YES	YES	YES
PROTECTIVE SERVICE	NO	YES	YES	YES	YES
PARA-PROFESSIONAL	YES	YES	YES	YES	YES
ADMINISTRATIVE SUPPORT	YES	YES	YES	NO	YES
SKILLED CRAFT	NO	YES	YES	YES	YES
SERVICE MAINTENANCE	NO	NO	YES	YES	YES

JOB CATEGORIES	EMPLOYMENT PERCENTAGE FEMALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
	WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	23.07%	0	0	0	0
PROFESSIONALS	29.88%	0	0.74%	0.74%	0
TECHNICIANS	33.61%	0	0	0	0
PROTECTIVE SERVICE	15.00%	0	0	0	0
PARA-PROFESSIONAL	73.33%	0	0	0	3.33%
ADMINISTRATIVE SUPPORT	78.17%	0.70%	0	1.40%	0.70%
SKILLED CRAFT	1.75%	0	0	0	0
SERVICE MAINTENANCE	12.82%	0	0	0	0

JOB CATEGORIES	AVAILABILITY PERCENTAGE FEMALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
	WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	41.10%	0.10%	0.30%	0.40%	0.10%
PROFESSIONALS	57.00%	0.40%	0.90%	1.00%	0.10%
TECHNICIANS	58.10%	0.10%	0.20%	0.60%	0.05%
PROTECTIVE SERVICE	16.10%	0.20%	0.40%	0.05%	0.05%
PARA-PROFESSIONAL	51.10%	1.30%	0.60%	0.60%	0.60%
ADMINISTRATIVE SUPPORT	63.10%	0.40%	0.70%	1.20%	0.20%
SKILLED CRAFT	5.30%	0.05%	0.02%	0.05%	0.02%
SERVICE MAINTENANCE	41.30%	0.70%	0.80%	1.30%	0.10%

JOB CATEGORIES	UNDER UTILIZATION FEMALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
	WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	YES	YES	YES	YES	YES
PROFESSIONALS	YES	YES	YES	NO	YES
TECHNICIANS	YES	YES	YES	YES	YES
PROTECTIVE SERVICE	YES	YES	YES	YES	YES
PARA-PROFESSIONAL	NO	YES	YES	YES	NO
ADMINISTRATIVE SUPPORT	NO	NO	YES	NO	NO
SKILLED CRAFT	YES	YES	YES	YES	YES
SERVICE MAINTENANCE	YES	YES	YES	YES	YES

AAP Utilization FY 2012

(FY 2013-2016 Objective Basis)

The following chart reflects the Vermont Agency of Transportation's three-year utilization objective based on current availability in the Civilian Labor Force (CLF). Underutilization of women, men, and minorities has been identified in all EEOC job categories. Our objective is to reach at least 80% of availability in the CLF for all categories where underutilization is identified, and ultimately for the Agency's workforce to mirror availability in the CLF. Objectives will be periodically revised in accordance with availability fluctuations in the CLF.

AAP Utilization FY 2012

(FY 2013 - 2016 OBJECTIVE BASIS)

JOB CATEGORIES	EMPLOYMENT PERCENTAGE				
	MALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
WHITE	BLACK				
OFFICIALS & ADMINISTRATOR	71.15%	1.92%	1.92%	1.92%	0
PROFESSIONALS	67.40%	0.49%	0	0.49%	0.24%
TECHNICIANS	66.38%	0	0	0	0
PROTECTIVE SERVICE	85.00%	0	0	0	0
PARA-PROFESSIONAL	23.33%	0	0	0	0
ADMINISTRATIVE SUPPORT	18.38%	0	0	0.70%	0
SKILLED CRAFT	97.74%	0	0.25%	0	0.25%
SERVICE MAINTENANCE	82.05%	5.12%	0	0	0

JOB CATEGORIES	80% OF CURRENT AVAILABILITY IN CIVILIAN LABOR FORCE				
	MALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
WHITE	BLACK				
OFFICIALS & ADMINISTRATOR	44.80%	0.16%	0.48%	0.64%	0.08%
PROFESSIONALS	30.88%	0.24%	0.32%	0.80%	0.08%
TECHNICIANS	30.64%	0.16%	1.04%	0.48%	0.08%
PROTECTIVE SERVICE	63.20%	0.40%	1.76%	0.88%	0.56%
PARA-PROFESSIONAL	36.00%	1.84%	0.48%	0.48%	0.48%
ADMINISTRATIVE SUPPORT	26.16%	0.40%	0.40%	0.32%	0.40%
SKILLED CRAFT	73.76%	0.24%	0.80%	0.64%	0.32%
SERVICE MAINTENANCE	42.08%	0.64%	0.72%	0.88%	0.16%

JOB CATEGORIES	UNDER UTILIZATION				
	MALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
WHITE	BLACK				
OFFICIALS & ADMINISTRATOR	NO	NO	NO	NO	YES
PROFESSIONALS	NO	NO	YES	YES	NO
TECHNICIANS	NO	YES	YES	YES	YES
PROTECTIVE SERVICE	NO	YES	YES	YES	YES
PARA-PROFESSIONAL	YES	YES	YES	YES	YES
ADMINISTRATIVE SUPPORT	YES	YES	YES	NO	YES
SKILLED CRAFT	NO	YES	YES	YES	YES
SERVICE MAINTENANCE	NO	NO	YES	YES	YES

JOB CATEGORIES	EMPLOYMENT PERCENTAGE FEMALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
	WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	23.07%	0	0	0	0
PROFESSIONALS	29.88%	0	0.74%	0.74%	0
TECHNICIANS	33.61%	0	0	0	0
PROTECTIVE SERVICE	15.00%	0	0	0	0
PARA-PROFESSIONAL	73.33%	0	0	0	3.33%
ADMINISTRATIVE SUPPORT	78.17%	0	0	1.40%	0.70%
SKILLED CRAFT	1.75%	0	0	0	0
SERVICE MAINTENANCE	12.82%	0	0	0	0

JOB CATEGORIES	80% OF CURRENT AVAILABILITY IN CIVILIAN LABOR FORCE FEMALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
	WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	32.85%	0.08%	0.24%	0.32%	0.08%
PROFESSIONALS	45.60%	0.32%	0.72%	0.80%	0.08%
TECHNICIANS	46.48%	0.08%	0.16%	0.48%	0.04%
PROTECTIVE SERVICE	12.88%	0.16%	0.32%	0.08%	0.04%
PARA-PROFESSIONAL	40.96%	1.04%	0.48%	0.48%	0.04%
ADMINISTRATIVE SUPPORT	50.48%	0.32%	0.56%	0.96%	0.16%
SKILLED CRAFT	4.24%	0.04%	0.02%	0.04%	0.02%
SERVICE MAINTENANCE	33.04%	0.56%	0.64%	1.04%	0.08%

JOB CATEGORIES	UNDER UTILIZATION FEMALE				
	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
	WHITE	BLACK			
OFFICIALS & ADMINISTRATOR	YES	YES	YES	YES	YES
PROFESSIONALS	YES	YES	NO	YES	YES
TECHNICIANS	YES	YES	YES	YES	YES
PROTECTIVE SERVICE	NO	YES	YES	YES	YES
PARA-PROFESSIONAL	NO	YES	YES	YES	NO
ADMINISTRATIVE SUPPORT	NO	NO	YES	NO	NO
SKILLED CRAFT	YES	YES	YES	YES	YES
SERVICE MAINTENANCE	YES	YES	YES	YES	YES

Monitoring and Reporting Systems

An internal reporting system to continually audit, monitor and evaluate programs is essential to measure progress on the Agency's EEO goals and timetables and to serve as a feedback mechanism on the successful implementation of the Agency's AAP.

The primary objectives of the Agency's EEO program evaluation are the following:

- Provide an objective measure for gauging the Agency's progress on AAP action items;
- Encourage accountability by Agency managers and supervisors;
- Provide the Agency's upper management with information that is critical for future workforce development, strategic planning and future goal setting;
- Ensure that any discriminatory employment practices are detected and corrected quickly;
- Meet all federal and state requirements for reporting, monitoring, and evaluating improvement in hiring, training, transfer and promotions in areas of under participation; and
- Serve as a model employer within and outside of state government.

The Agency's monitoring and reporting systems for the Agency's internal workforce fall into the following broad categories:

- Collection, maintenance, analysis and reporting of statistics by the EEO Manager on the Agency's employment practices, including overall employment of permanent and temporary workers, employment of minorities and females by occupational categories, maintenance of statistics on applicants, new hires, promotions, and terminations by race, sex and occupational categories, maintenance of statistics on participants in the Agency's training programs by race, sex and occupational categories, methods followed in analyzing minority and female representation overall and by occupational categories compared to availability in the Civilian Labor Force. The majority of this statistical data is collected by the EEO Manager using the OracleBI Discoverer Plus software, which includes a database populated by the State Department of Human Resources HRMS program. This data, together with Census Bureau data and data obtained from the State Department of Labor provides the means for tracking our applicant pool(s) and measuring the Agency's effectiveness at meeting goals for eliminating underutilization. Discoverer also provides the data the Agency uses to generate the annual EEO-4 report due September 1st.
- Collection of quarterly reports by the EEO Manager from Agency managers and supervisors, identifying all anticipated opportunities for hiring temporary and permanent employees, any anticipated retirements, promotions, or transfers, any training needs and opportunities, the status of new hires and probationary employees, and all formal and informal complaints, disciplinary proceedings, and/or grievances. The information and data is used as a tool in workforce planning, troubleshooting, and to better position the Agency for successful outreach, marketing, and recruitment.
- Tracking by the EEO Manager of disciplinary actions, including terminations, suspensions, demotions, reprimands, etc., with breakdowns on race, color, national origin, disability, and sex

of each employee, and analysis to ensure that the Agency is not engaging in any form of intentional or inadvertent discrimination or retaliation.

- Monitoring by the EEO Manager of human resources processes and procedures, and personnel actions to identify any patterns of discrimination. Processes to be tested include the full spectrum of the recruitment and hiring process, the selection process for training and promotion, opportunities for overtime compensation, tuition reimbursement and other selected benefits, etc. Monitoring includes reviewing procedural systems as well as monitoring individual handling of applicants and employees on a random sampling basis. Monitoring includes desk audits, field audits, and observing the interview and selection process.
- Meeting regularly (at least quarterly) with the Agency Secretary and Senior Leadership Team to provide details of progress towards meeting Agency goals, to identify any EEO problems, and to solicit management's recommendations, feedback and support. Provide written reports to upper management on a regular basis, including weekly, quarterly and annual reports.
- Establishing an AA/EEO Advisory/Diversity Committee, to be chaired by the EEO Manager, with representation from all Agency Divisions and the Department of Motor Vehicles. The Committee will meet quarterly, or more frequently as needed, and will serve as a vehicle to obtain input and involvement from Agency managers, supervisors and employees, and to develop and implement new program resources that are customized to meet the diverse AA/EEO challenges of all sections of the organization.
- Tracking by the EEO Manager of EEO complaints based on race, color, national origin, sex, religion, physical or mental disability, or age, and reporting complaint status and disposition to the Regional Civil Rights Officers of Federal Highway Administration and Federal Transit Administration.

In addition to the foregoing monitoring and reporting systems for the Agency's internal workforce, the Agency provides oversight and review of Agency sub-recipients for EEO compliance, on a continuous basis, including the collection and review on an annual basis of the following information, data, and documentation for all sub-recipients that meet the requisite threshold:

- Designated EEO Officer;
- A copy of the sub-recipient's org chart;
- A signed and dated EEO/AA policy;
- A copy of the sub-recipient's EEO/AA Plan, including its complaint process;
- The sub-recipient's annual EEO/AA report
- A utilization analysis of the sub-recipient's internal workforce by EEO category, by gender, by race, and by hiring goals;
- A copy of the sub-recipient's Title VI assurances;
- A copy of the sub-recipient's FTA Civil Rights assurances.

EEO Complaint Disposition

The Agency of Transportation adheres to the grievance and complaint processing procedures established by the Department of Human Resources in the Personnel Policies and Procedures Manual. All issues, concerns, or complaints relating to illegal discrimination or harassment in the workplace must be immediately reported to the Chief of Civil Rights and the Agency EEO Manager who will ensure that inquiries, reports and complaints are responded to promptly. In all instances, a thorough, complete and objective investigation of complaints will be conducted in a timely manner and corrective action, if deemed necessary, will be implemented.

The Agency of Transportation informs the Regional Civil Rights Officers of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of the filing, status, and disposition of all EEO complaints.

A complete description of the Agency's grievance and complaint processing procedures are set forth with particularity in the State of Vermont Personnel Policies and Procedures and the Agency Guidelines appended hereto as Appendices 3, 5, 6, and 7, respectively.

All remedies, responses, and corrective measures that may be taken by the Agency will be in accordance with all applicable Federal and State of Vermont laws and statutes and will adhere to the tenants of the appropriate collective bargaining agreement(s).

For additional information regarding the complaint process, please contact the Agency EEO Manager at (802) 828-2715. It has been, and will continue to be, the goal of the Agency to make every effort to resolve issues arising out of the process at the lowest level. We will continue to engage in a program of education and awareness training. By keeping our employees informed and involved we will be better able to concentrate our energies on a program of complaint prevention versus complaint processing.

Our internal complaint process is in compliance with all Federal and State of Vermont laws. It does not preclude any individual who is aggrieved from seeking other legal remedies. Neither does it usurp any contractual rights negotiated in the collective bargaining agreements. To explore other remedies, individuals may also contact the following:

Vermont Attorney General's Office
Vermont Public Protection Division
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
(802) 828-5511
<http://www.atg.state.vt.us/issues/employment-law.php>

Human Rights Commission
135 State Street
Montpelier, Vermont 05633-6301
(802) 828-2480
<http://hrc.vermont.gov/How+to+File+a+Complaint>

Vermont State Employees' Association, Inc.
155 State Street, P.O. Box 518
Montpelier, Vermont 05601-9990
(802) 223-5247
<http://www.vsea.org/your-rights-work>

Equal Employment Opportunity Commission
Boston Area Office
John F. Kennedy Federal Building
Government Center Room 475
Boston, MA 02203
(617) 565-3200 (Voice/TDD)
<http://www.eeoc.gov/field/boston/charge.cfm>

The Agency abides by and supports the anti-discrimination provisions of the agreements between the State of Vermont and the Vermont State Employees' Association (VSEA), Incorporated. These provisions are as follows:

Article 5: No Discrimination or Harassment; and Affirmative Action

1. No Discrimination, Intimidation or Harassment

In order to achieve work relationships among employees, supervisors and managers which are free of any form of discrimination at all levels; no one shall discriminate against, intimidate, or harass any employee because of age, sex, sexual orientation, race, color, religion, creed, ancestry, place of birth, military status, disability, national origin, marital or parental status, pregnancy, HIV status, membership or non-membership in the VSEA, filing a complaint or grievance, or any other factor for which discrimination is prohibited by law. The provisions of this section prohibiting discrimination on the basis of sexual orientation shall not be construed to change the definition of family or dependent in an employee benefit plan.

2. Affirmative Action Programs

It shall be a goal and an objective of the State to develop and implement positive and aggressive affirmative action programs to redress the effects of any discrimination and to prevent future discrimination in personnel actions which affect bargaining unit personnel. The VSEA will furnish input in the development of such programs.

3. Enforcement Responsibilities

(a) The State will notify all state employees that any person who, by act or condoning, subjects any other employee to harassment in the form of uninvited physical or verbal attention, insults or jokes based upon a factor for which discrimination is prohibited by law, or upon a person's sexual orientation, or who invites or provokes such conduct, shall be subject to appropriate disciplinary action.

(b) By the VSEA

(1) The VSEA further acknowledges its obligation to train its officers, agents and stewards to be sensitive to the requirements of this Article.

For copies of the current agreements, please contact the Vermont Department of Human Resources or the Office of Civil Rights for the Agency of Transportation.

Affirmative Action Plan Appendices

APPENDIX 1

Agency Job Classifications

GROUPED BY EEO JOB CATEGORIES

EEOC - 01 Officials & Administrators

Admin Civil Engineer	ConnectVermont Administrator
Agency Secretary	Deputy Secretary
AOT Assistant Director	Financial Director I
AOT Contract Admin Chief	Financial Director II
AOT Manager II	Info Tech Manager I
AOT Manager III	Info Tech Manager II
AOT Manager IV	Motor Vehicle Enforcement & Safety Dir
AOT Manager V	Motor Vehicle Operation Director
AOT Operations Asst Director	Motor Vehicle Support Services Director
AOT Policy & Planning Manager	Rail Program Director
AOT Public Transit Admin	Transportation Director of Program Dev
Chief Financial Officer	Transportation Director of Maint. Division
Commissioner	Transportation Planning Director

EEOC - 02 Professionals

Administrative Assistant B	Civil Engineer VI
Administrative Services Cord II	Civil Engineer VII
Administrative Services Cord IV	Civil Engineer VIII
Administrative Services Manager II	Database Administrator
AOT Archeologist	Exec Sec Board Of Trans
AOT Archeology Officer	Executive Assistant
AOT Audit Specialist II	Executive Office Manager
AOT Audit Supervisor	Fiber Optic Project Manager
AOT Business Process Manager	Financial Administrator II
AOT Central Garage Superintend	Financial Administrator III
AOT Chemist	Financial Manager I
AOT Contracts Specialist III	Financial Manager II
AOT Contracts Specialist IV	Financial Manager III
AOT Contracts Specialist V	GIS Project Supervisor
AOT District Project Manager	Grants Administrator
AOT Environmental Biologist	Grants Specialist
AOT Environmental Policy Mgr	Info Tech Spec II

AOT Environmental Program Manager
 AOT Environmental Spec III
 AOT Environmental Spec Supervisor
 AOT Environmental Specialist I
 AOT Facilities Manager
 AOT Fleet Operations Supervisor
 AOT General Maintenance Mgr
 AOT Geologist
 AOT GIS Database Administrator
 AOT HazMat & Waste Coordinator II
 AOT HazMat & Waste Coordinator I
 AOT Highway Safety Plan Coordinator
 AOT Hist Preserv Specialist.
 AOT Historic Preservation Officer
 AOT Improvement Program Coordinator
 AOT Legal Program Administrator
 AOT Manager I
 AOT Occ Health&Safety Prog Manager
 AOT Occupational Safety Tech
 AOT Outreach Coordinator
 AOT Planning Coordinator I
 AOT Planning Coordinator II
 AOT Planning Coordinator III
 AOT Policy & Hearings Examiner
 AOT Policy Analyst
 AOT PT Program Coordinator I
 AOT PT Program Coordinator II
 AOT Special Projects Manager
 AOT Stormwater Technician
 AOT Survey Chief
 AOT Technician V
 AOT Technician VI
 AOT Technician VII
 AOT Technician VIII
 AOT Traffic Operations Manager
 Aviation Program Manager
 Aviation Project Developer
 Business Systems Analyst
 Chief of Quality Assurance
 Civil Rights Compliance Program Chief
 Civil Rights Program Specialist
 Civil Engineer I
 Civil Engineer II
 Civil Engineer III
 Civil Engineer IV
 Civil Engineer V
 Info Tech Spec III
 IT Systems Administrator
 Landscape Architect
 Legal Hearing Support Specialist
 Lemon Law Administrator
 Mot Vehicle Criminal Investigator
 Mot Vehicle Criminal Unit Sup
 Mot Vehicle Customer Services Chief
 Mot Vehicle Info & Process Chief
 Mot Vehicle Records & MCS Chief
 Motor Vehicle Chief Inspector
 Motor Vehicle Field Supervisor
 Motor Vehicle Night Shift Supervisor
 Motor Vehicle Project Spec II
 Motor Vehicle Safety Chief
 MV Legislative Coordinator
 MV Project Manager
 MV Project Specialist
 MV Training Curriculum Dev Co
 Network Administrator II
 Program Manager, State Byways
 Property Management Section Ch
 Property Management Spec AOT
 Public Outreach Manager
 Right of Way Acquisition Chief
 Right of Way Agent III
 Right of Way Agent IV
 Right of Way Appraisal Chief
 Right of Way Appraiser I
 Right of Way Appraiser II
 Right of Way Review Appraiser
 ROW Plans & Titles Chief
 ROW Survey & GIS Project Manager
 Senior Systems Developer
 Senior Asst Attorney General
 Staff Attorney IV
 Staff Attorney V
 State Airport Manager
 State Airport Operations Specialist
 State Aviation Operations Manager
 Systems Analyst III
 Systems Developer II
 Systems Developer III
 Transportation EEO Officer
 Utilities & Permits Supervisor

EEOC - 03 Technicians

Administrative Services Tech II
 Administrative Services Tech IV
 AOT Aide I
 AOT Communications Spec II
 AOT Communications Specialist
 AOT Mapping & GIS Spec II
 AOT Mapping & GIS Specialist I
 AOT Technical Apprentice I
 AOT Technical Apprentice II
 AOT Technical Apprentice III
 AOT Technical Apprentice IV
 AOT Technical Apprentice V
 AOT Technical Apprentice VI
 AOT Technician I
 AOT Technician II
 AOT Technician III
 AOT Technician IV

Financial Specialist I
 Financial Specialist II
 Financial Technician I
 Financial Technician II
 Info Tech Spec I
 Landscape Coordinator
 Motor Vehicle Services Supervisor
 Motor Vehicle Training Special
 Motor Vehicle Unit Supervisor
 Right of Way Agent II
 Scanning Technician
 Systems Developer I
 Transportation Program Spec I
 Transportation Program Spec II
 Transportation Aide II
 Transportation Program Special

EEOC - 04 Protective Services

Commercial Vehicle Enforcement Supr
 Commercial Vehicle Enforcement Insp

Motor Vehicle Field Inspector

EEOC - 05 Paraprofessionals

Administrative Services Cord I
 Financial Specialist III
 Motor Vehicle Dist Off Asst Supervisor
 Motor Vehicle Examiner I

Motor Vehicle Examiner II
 Motor Vehicle Project Spec I
 Program Technician I
 Program Technician II

EEOC - 06 Administrative Support

Administrative Assistant A
 Administrative Secretary
 AOT Dist Information Tech I
 AOT Dist Information Tech II
 AOT Dist Information Tech III
 Clerk B
 Clerk C

Mot Vehicle Customer Service Rep. III
 Mot Vehicle Customer Service Specialist
 Mot Vehicle Document Clerk II
 Mot Vehicle Driver Improvement Clerk
 Mot Vehicle Mobile Unit Coordinator
 Mot Vehicle Qual Control Clerk
 Motor Vehicle Data Clerk

Data and Supply Clerk
 Data Entry Operator A
 Data Entry Operator B
 Data Entry Operator C
 Data Systems Operator
 Intern
 Mail & Supply Clerk
 Mobile Unit Customer Services Tech
 Mot Vehicle Customer Services Rep I
 Mot Vehicle Customer Services Rep II
 Mot Vehicle Customer Services Rep III

Motor Vehicle Document Clerk I
 MV Facilities & Mail Assistant
 MV Facilities & Mail Coordinator
 Private Secretary
 Program Services Clerk
 Records Management Tech I
 Records Management Tech II
 Records Management Tech III
 Sec-clerical Supp Services Coordinator
 Storekeeper A
 VTrans Purchasing & Inventory

EEOC - 07 Skilled Craft

AOT Area Maintenance Supervisor
 AOT Electrical Maintenance Spec I
 AOT Electrical Maintenance Spec II
 AOT Garage Maintenance Supervisor
 AOT Maintenance Equipment Spec
 AOT Maintenance Worker IV
 AOT Maintenance Worker V
 AOT Maintenance Worker VI
 AOT Motor Equipment Mechanic I
 AOT Motor Equipment Mechanic II
 AOT Motor Equipment Mechanic III
 AOT Pavement Mkg & Sign Crw SpecII
 AOT Senior Maintenance Worker
 AOT Traffic Shop Crew Supervisor

AOT Vehicle & Equipment Tech I
 AOT Vehicle & Equipment Tech II
 Bridge Maintenance Worker I
 Bridge Maintenance Worker II
 Bridge Maintenance Worker III
 Bridge Maintenance Worker IV
 Central Garage Regional Supervisor
 Maintenance Mechanic A
 Maintenance Mechanic I
 Maintenance Mechanic II
 State Airport Maintenance Work
 State Airport Ops Worker I
 Transportation Driller I

EEOC - 08 Service Maintenance

AOT District Storekeeper
 AOT Maintenance Worker I
 AOT Maintenance Worker II
 AOT Maintenance Worker III
 AOT Parts Specialist II

AOT Parts Specialist III
 State Airport Maintenance Worker II
 State Airport Ops Worker II
 Transportation Driller III

APPENDIX 2

State of Vermont

Personnel Policies and Procedures

Number 3.0

Effective Date: March 1, 1996

Subject: EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

*** Supersedes Policy Dated: October 1, 1993 ***

Applicable To: All classified employees, as well as exempt, appointed, and temporary, and applicants for employment with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William H. Sorrell, Secretary of Administration

PURPOSE & POLICY STATEMENT

The State of Vermont is an equal opportunity employer and is committed to offering equal employment opportunities in accordance with Title VII of the Civil Rights Act of 1964 and its amendments. The State's personnel policies and practices prohibit discrimination on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation (as provided by 21 V.S.A. 495), place of birth, age, or physical or mental condition (a person with a qualifying disability) in all employment practices including, but not limited to: recruitment, hiring, promotion, demotion or transfer; layoff or termination; rates of pay and other forms of compensation; selection for training; agency- sponsored social and recreational events; and all other terms, privileges, and conditions of employment.

The State of Vermont is committed to non-discrimination in employment and is strongly committed to an aggressive affirmative action program to overcome any manifest imbalance in the work force based on gender, race or disability.

Affirmative Action is synonymous with sound personnel management. Affirmative Action is a step beyond equal opportunity and non-discrimination. With Affirmative Action comes a continued commitment to identify obstacles to the employment and career advancement opportunities afforded to employees, and to work toward removing those obstacles.

With this in mind, the following policy is set in place:

1. The State will take appropriate affirmative action in all personnel actions and conditions of employment involving women, minorities and individuals with disabilities where a demonstrated imbalance exists within job groups or in the case of top management, within Equal Employment Opportunity (EEO) categories, consistent with State Affirmative Action Plans and Policies.
2. The State will include, as appropriate affirmative action, efforts to recruit, select, train and promote women, minorities and individuals with disabilities.

3. Compensation, benefits, job assignments, layoffs, employee development opportunities and discipline shall be administered without bias to race, color, religion, ancestry, national origin, gender, sexual orientation, place of birth, age, or disability.

Supervisory and management personnel are responsible and accountable for the implementation of the Affirmative Action Plan, including efforts to achieve both numerical and programmatic goals. Supervisory and management personnel shall be held accountable for their performance with regard to equal employment opportunity and affirmative action.

PROCEDURES

Executive Order No. 06-93 appointed the Commissioner of Personnel (or his or her designee), as the Equal Employment Officer for the State of Vermont. Under the guidance of the Commissioner of Personnel, the State EEO officer is responsible for developing, implementing and monitoring an Affirmative Action Program for the State of Vermont. This plan will focus on Statewide policies and procedures and will act as a guideline for the establishment of agency/department-specific Affirmative Action Plans.

Each agency/department will:

- Appoint an EEO officer and immediately notify the State EEO Officer of any change in that appointment.
- Work with the State EEO Officer to implement and maintain an Affirmative Action Program to remedy past or present discrimination.
- Work with the State affirmative action officer to set goals and timetables, establish policies and procedures, and implement corrective action plans where appropriate.

Agency/department Affirmative Action Programs will include the following:

- Development and dissemination of policy.
- Utilization analysis and identification of problem areas, goals and timetables.
- Action-oriented programs.
- Internal monitoring, audit and reporting systems.

The State EEO Officer will also be responsible for auditing agency/department activities to ensure compliance with stated goals and objectives and for reporting the results of agency/department efforts. The State EEO Officer will submit an Annual Report to the Governor and the Governor's Council on Affirmative Action, by January 31st of each year.

It is the responsibility of all agency secretaries, department heads, and division directors, to ensure compliance with this policy. Your continued cooperation and support in this Affirmative Action Program is essential to achieving this important goal.

APPENDIX 3

State of Vermont Personnel Policies and Procedures

Number 3.1

Effective Date: March 1, 1996

Subject: SEXUAL HARASSMENT

*** Supersedes Policy Dated: November 1, 1993 ***

Applicable To: All classified employees, as well as exempt, appointed, and temporary, with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William H. Sorrell, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The State of Vermont is opposed to and prohibits without qualification the harassment of anyone on the basis of gender.

Sexual harassment violates an individual's basic civil rights, undermines the integrity of the workplace, and adversely affects workers and clients whether or not they are direct subjects of harassment. Sexual harassment is a form of discrimination on the basis of sex and is, therefore, prohibited in the work place by both state and federal law as well as the collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association, Inc. It is also unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

All employees, including but not limited to staff, supervisors, managers, and appointing authorities, are expected to comply with this policy and take appropriate measures to ensure that sexual harassment does not occur. Disciplinary action, up to and including dismissal, will be taken against any employee who engages in sexual harassment or who otherwise violates this policy.

In addition, every manager and supervisor within the State of Vermont is responsible for providing a work place free from sexual harassment. This duty includes informing and discussing this policy with all employees; ensuring that employees know they are not required to endure sexual harassment; that sexual harassment will not be allowed; that this policy will be enforced; and that charges of sexual harassment will be impartially and immediately investigated. Managers are responsible for ensuring that all new employees receive a copy of this policy; for posting this policy and a poster in prominent and accessible locations in the work place; and ensuring that employees are provided with gender-relations training. Any manager or supervisor who does not deal with sexual harassment complaints consistent with the terms of this policy may be subject to disciplinary action.

DEFINITION OF SEXUAL HARASSMENT:

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- b) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- c) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment.

PROHIBITED CONDUCT:

Sexual harassment can be either verbal, physical, auditory, or visual. It can be either subtle or overt. Sexual harassment refers to behavior that is not only unwelcome, but which can also be personally offensive, fails to respect the rights of others, lowers morale and interferes with work effectiveness, or violates a person's sense of well-being.

Both men and women can be the victims of sexual harassment and it can occur in situations where one person has authority (or the appearance of authority) over another, and can also occur between equals.

Managers, supervisors, and employees with the appearance of authority shall not threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of sexual harassment will in any way affect the employee's employment, evaluations, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Harassment by co-workers is also unlawful and prohibited both by applicable federal and state laws and the collective bargaining agreements, even though the loss to the victim may not involve the tangible benefits outlined above.

Examples of other forms of prohibited sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, unwelcome sexual flirtations, persistent requests for dates, degrading words used to describe an individual, other verbal comments of a sexual nature, and graphic commentaries about an individual's body.

Non-Verbal: Sexually suggestive or offensive objects or pictures, written comments, suggestive or insulting sounds, leering, whistling, obscene gestures.

Physical: Unwanted physical contact, which may include touching, pinching or brushing the body, coerced sexual intercourse, and assault.

REPORTING & RESOLUTION OF COMPLAINTS:*

The State, through this policy, commits itself to quick and effective actions to ensure that sexual harassment does not occur or persist. However, the fulfillment of that commitment will in large part depend on the willingness of employees to report prohibited behavior. A timely response to sexual harassment is essential to protect victims from further unwelcome behavior. It also ensures that the person responsible for objectionable behavior understands its impact on others. A timely report provides the best opportunity for the employer to expeditiously and effectively address the matter with the least possible adverse impact on all parties concerned.

Therefore, all employees should report any incidents of sexual harassment they experience, witness, or know of. Employees are also encouraged, *but not required*, to identify objectionable actions to those responsible for them, and to try to resolve issues informally.

The following process will allow employees to freely report incidents of sexual harassment, free from threats of reprisal, and will protect the rights of all parties involved.

* These Reporting and Resolution of Complaints procedures may be expanded upon by individual departments and agencies. Any specific departmental policies and procedures must first be reviewed and approved by the Department of Personnel.

TO FILE A COMPLAINT:

1. Any employee who believes (s)he has been the subject of sexual harassment shall report the alleged act(s) as soon as possible to any one of the following:

1. the immediate supervisor,
2. any departmental management staff;
3. any departmental personnel officer;
4. any departmental Equal Employment Opportunity (EEO) Officer
5. any member of the Department of Personnel Employee Relations staff, 110 State Street, Montpelier, VT, 802-828-3454.

NOTE: Any employee may consult with the VSEA to request its assistance. (S)he may also file a complaint of sexual harassment in accordance with the grievance procedures prescribed by the contract. The employer shall ensure that complainants and respondents are advised of their right to VSEA representation under the circumstances required by the contract.

TO PROCESS A COMPLAINT:

1. All complaints received by supervisors, managers, EEO officers, or Department of Personnel staff will be referred immediately to the departmental personnel officer. The personnel officer will coordinate with the appointing authority to ensure that a timely and complete review of the complaint is made. A report of any investigation will first be reviewed with the Department of Personnel Employee Relations Staff, and then a copy of the final report will be provided to the appointing authority. The appointing authority will identify and take steps to promptly remedy the harassment and prevent its recurrence.
2. Within five (5) work days, the appointing authority shall issue a written response to the complainant acknowledging the complaint and providing notice, if applicable, that any prohibited activity is expected to cease. An investigation will be done promptly and a written response will be provided to the complainant. The investigation and response will normally be completed within thirty (30) days.
3. Complainants should be notified that confidentiality cannot be guaranteed if a complaint results in a grievance or other litigation of the complainant.
4. The Department of Personnel and appointing authorities shall ensure that an investigation is conducted when any instance of sexual harassment comes to their attention, even in the absence of a complaint.
5. If the appointing authority or any member of the agency/department personnel unit is named in the complaint, the complainant or his or her representative must bring the complaint to the attention of either the Secretary of Administration or the Commissioner of Personnel to determine the appropriate personnel to be responsible for investigating the charge.

6. Any intimidation, harassment, or interference for filing a complaint or assisting in an investigation and/or intentionally filing a false complaint of sexual harassment will be subject to appropriate discipline, up to and including dismissal.

The use of this procedure does not preclude any victim of sexual harassment from pursuing any other legal remedy. To explore other remedies, employees may also contact the following:

Equal Employment Opportunity Commission

1 Congress Street

Boston, MA 02114

617-565-3200 (Voice/TDD)

Complaints must be filed within 300 days of the adverse action.

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609-1001

802-828-3171 (Voice/TDD)

Complaints should be filed within 300 days of the adverse action.

Vermont Human Rights Commission

135 State Street, Drawer 33

Montpelier, VT 05633-6301

802-828-2480 (Voice/TDD)

Complaints must be filed within 360 days of the adverse action.

Vermont State Employees' Association, Inc.

155 State Street

Montpelier, VT 05601

802-223-5247

APPENDIX 4

State of Vermont

Personnel Policies and Procedures

Number 3.2

Effective Date: March 1, 1996

Subject: REASONABLE ACCOMMODATION

*** Supersedes Policy Dated September 30, 1992***

Applicable To: All classified employees, as well as exempt, appointed, and temporary, and applicants for employment with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William Sorrell, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The State of Vermont endorses the mandate of the Americans with Disabilities Act of 1990 (ADA) which prohibits employment discrimination on the basis of disability.

Consistent with the ADA and Vermont's Fair Employment Practices Act, it is the policy of the State of Vermont, upon request, to provide reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee or applicant with a disability, unless such accommodation would cause an undue hardship. The policy regarding requests for reasonable accommodation applies to all aspects of employment, including the application process.

DEFINITIONS

DISABILITY - An individual with: (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual (i.e., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); (2) a record of such an impairment; or (3) being regarded as having such an impairment.

ESSENTIAL FUNCTIONS - The fundamental job duties of the employment position that an individual with a disability holds or desires.

QUALIFIED INDIVIDUAL WITH A DISABILITY - An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

REASONABLE ACCOMMODATION - Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the person desires; modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as they are enjoyed by other similarly situated employees without disabilities. Reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; equipment or devices; adjustment or modification of examination, training materials or policies; and the provision of qualified readers or interpreters.

UNDUE HARDSHIP - Any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would alter the nature or operation of the business.

DIRECT THREAT - A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

REASONABLE ACCOMMODATION COMMITTEE (RAC) - A committee established to review and monitor the provisions of this policy. The members of the committee shall be selected by the Commissioner of Personnel. The RAC may be contacted through the Department of Personnel, Employee Relations Division at 802-828-3454.

GENERAL

Applicants or employees cannot be asked whether they have a disability, or to describe the nature or severity of their disability. An applicant can only be asked: "Will you be able to perform all the essential functions of this position with or without a reasonable accommodation"? (See Number 4.11, Interviewing and Reference Checking.) Employment opportunities shall not be denied to anyone based solely on the need to provide reasonable accommodation.

REASONABLE ACCOMMODATION PROCEDURES

Accommodation Request Initiated by an Employee or Applicant

1. An employee or applicant shall make a written request to the immediate supervisor using the Request for Reasonable Accommodation form to include the name, department/agency, job title, address and phone number of the individual; a description of functional limitations for which accommodation(s) are being requested; and a description of any potential reasonable accommodation(s) that would overcome the limitations (See Attachment B).
2. In cases of routine requests for accommodation in the interview process which cost less than \$500 (i.e. for sign language interpreters), it is generally not necessary to use the Request for Reasonable Accommodation form or review process described below.

Department Review

1. After receiving an accommodation request, the supervisor shall notify the appointing authority and contact the departmental personnel officer and, if necessary, other departmental resources for technical assistance.

2. If necessary, medical verification of the disability may be requested from the individual. Any information supplied pursuant to the request for medical verification shall be treated as confidential, to the extent required by law, and shall be kept separate from personnel files.
3. The supervisor and departmental personnel officer, shall review the accommodation request to:
 - o determine whether the individual is a qualified individual with a disability covered by this policy;
 - o analyze the job description for essential functions;
 - o review medical verification, if applicable;
 - o review the individual's current limitations;
 - o review the individual's suggested reasonable accommodation(s);
 - o investigate other possible accommodations;
 - o determine if the individual can have the disability reasonably accommodated without undue hardship.
4. If there is no reasonable accommodation which will allow the employee to perform the essential functions of his or her present job (i.e., if steps 1 - 3 above have been exhausted), then the Accommodation through Reclassification procedures must be followed (See Attachment A).

Department Response

1. The supervisor shall be responsible for completing the department response section of the Request for Reasonable Accommodation form, to include a description of the accommodation proposed or provided, or a description of why an accommodation request was not granted. The original form must be submitted to the Chair of the RAC, with copies forwarded to the requesting individual, the department personnel officer, and the appointing authority. Whenever possible, an initial response will be communicated within ten (10) work days of receipt of the accommodation request.
2. As an employer, the State is not obligated to provide the "best" accommodation possible, as long as the accommodation offered is sufficient to enable the individual to perform the essential functions of the job.
3. In the following situations, an accommodation request initiated by an individual must be referred to the RAC:
 - If the cost of the proposed accommodation exceeds five-hundred dollars (\$500); has an impact on the duties of any other position; or has an impact on the workload or schedule of another employee.
 - If there is a dispute between the department and the individual requesting the accommodation as to the accommodation to be provided.
 - If, for whatever reason, it is determined that an accommodation request cannot be granted.
4. Notwithstanding the above, nothing shall preclude a department from seeking an advisory opinion from the RAC by calling the Department of Personnel Employee Relations Division at 802-828-3454.

Reasonable Accommodation Committee Review

1. After receiving the completed Request for Reasonable Accommodation form, the RAC will conduct its review to:
 - analyze the job description for essential functions;
 - review medical verification if applicable;
 - review the individual's current limitations;
 - review the individual's suggested reasonable accommodation(s);
 - investigate other accommodations;
 - determine if the disability can be reasonably accommodated without undue hardship.

2. If deemed necessary by the Chair of the RAC, expert opinion will be solicited to determine if there is an appropriate accommodation under the circumstances which is possible.
3. The RAC will attempt to issue its decision within ten (10) work days of receipt of a Request for Reasonable Accommodation form. The RAC will communicate its decision in writing to the requesting individual and the appointing authority. The RAC will set forth the rationale for its decision.
4. The requesting individual is not required to accept an accommodation recommended by the RAC. However, if the individual rejects a recommended reasonable accommodation that would enable the individual to perform the essential functions of the position held or desired, and cannot as a result of that rejection, perform the essential functions of the job, the individual will not be considered a qualified individual with a disability.
5. Any appointing authority or designee dissatisfied with a decision of the RAC may request, by letter to the RAC Chair, an opportunity to discuss the committee's decision within ten (10) days of receipt of the decision.

Direct Threat

1. As an employer, the State may refuse to hire an applicant, or retain an employee who poses a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or sufficiently reduced by reasonable accommodation.
2. If an individual is believed to pose a direct threat, the appointing authority or designee will complete a Request for Reasonable Accommodation form and forward it to the RAC for a decision. In cases of direct threat, the RAC will endeavor to render and communicate its decision within five (5) workdays of receipt of a Reasonable Accommodation Report.
3. Determination will be made on the individual's present ability to safely perform the essential functions of the job. Factors to be considered include: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the potential harm will occur; and (4) the imminence of the potential harm.
4. An employee may be temporarily relieved from duty with pay until the RAC makes a decision.

Remedies

1. An employee aggrieved by a decision of the RAC may grieve the decision pursuant to the ADA Grievance Procedures (See Number 10.2).
2. Any applicant who feels (s)he has been discriminated against as an applicant for employment with the State of Vermont may file a complaint through the ADA Grievance Procedures (See Number 10.2).
3. Nothing herein shall preclude any aggrieved individual from pursuing any other legal remedy. To explore other remedies, individuals may also contact the following:

*Human Rights Commission 135 State Street, Drawer 33 Montpelier, VT 05633-1201 802-828-2480
(Voice/TDD)*

VT State Employees' Association, Inc. 155 State Street, P.O. Box 518 Montpelier, VT 05601 802-223-5247

ATTACHMENT A ACCOMMODATION THROUGH RECLASSIFICATION

INTRODUCTION

In compliance with the Americans with Disabilities Act of 1990 (ADA), these procedures will expand the State's Reasonable Accommodation Policy by providing State employees Statewide access to positions they are able to perform at the same or lower pay grades, in lieu of Reduction in Force (RIF) when the employee is disabled and incapable of performing in his or her current job.

This policy **does not** apply to temporary and exempt employees.

PROCEDURES

1. Reasonable accommodation alternatives in an employee's current job must be exhausted before reassignment to the duties of a different position is considered. Such an assignment is appropriately designated as a reasonable accommodation only when it is determined that no reasonable accommodation is available in the current job, as determined by the Reasonable Accommodation Committee (RAC). Any dispute over the reassignment should be referred to the RAC in accord with established procedures.
2. When there is no other reasonable accommodation available within the employee's current position, the personnel officer must determine if there is another position **at the same pay** grade which management intends to fill and for which the employee meets the minimum qualifications and is able to perform, with or without reasonable accommodation. The personnel officer must look first within the employing department, and second within the employing agency,
3. If there **is** such a position **at the same pay grade** within the employee's geographic area [i.e., within a thirty-five (35) road-mile radius of the regular duty station] which the employee is able to perform with or without reasonable accommodation, the employee **shall be required to perform the duties of the position** and will be **reclassified** accordingly. No further reasonable accommodation steps are required after that point, except those accommodations which may be necessary to permit the employee to perform the new duties. The right of management to require an employee to perform such duties shall be superior to the rights of any current classified State employee or current or former employee on the RIF list. This reassignment shall normally be completed **within ten (10) calendar days** of the RAC determination that the employee can no longer perform the duties of his or her current position.
4. If there is **no position at the same pay grade** in the employing Agency under sections 2 & 3, above, the appointing authority shall, as soon as practicable, notify the Commissioner of Personnel and the RAC Chair of their need to determine whether there are any positions within the remainder of the classified service for which the employee is qualified and is able to perform with or without reasonable accommodation. The employer shall provide the RAC Chair with all relevant documentation including, at least: the employee's current job description (Per-10); a list of the employing agency's current vacant positions; pertinent medical reports; and medical end results for any applicable Workers' Compensation case.
5. When the RAC Chair determines that the employing Agency has complied with all applicable reasonable accommodation steps, the employee shall be placed in a **Pre- Separation Accommodation through Reclassification** status. The employee shall be notified by the RAC Chair that (s)he has been placed in such status, and that the employee has the responsibility to meet with the Department of Personnel's Recruitment Division to establish his or her parameters for assignment to a position. This process allows the employee to inform the Department of Personnel what work (s)he is willing to do and where. The Accommodation through Reclassification status shall last for **twenty (20) calendar days** and shall begin upon date of receipt of notice.

6. An employee in an Accommodation through Reclassification status shall have, after establishing his or her parameters with the Department of Personnel, the right to be assigned to the duties of positions that management intends to fill that fall within these parameters and which are at the same or lower pay grade for which (s)he meets the minimum qualifications, and which (s)he is capable of performing with or without reasonable accommodation. That right shall be superior to the rights of any current classified State employees or current or former State employees on the RIF list. The employee shall be assigned to the duties of a position for which (s)he is eligible. Refusal of any one such assignment, or no response within five (5) workdays of notice, shall terminate any and all Accommodation through Reclassification status rights, and the employee will be considered to have resigned his or her position and will be separated accordingly. Any questions as to whether an employee is qualified must be resolved by the RAC.

NOTE: A position will not be considered "vacant" in any agency/department until the Accommodation through Reclassification status has been cleared. Positions will not be RIF-cleared if there is an employee eligible for the position.

7. If there is no position available to the employee within the twenty (20) calendar-day period of the Accommodation through Reclassification status, the appointing authority shall at once initiate a disability RIF for the employee in accord with the Injury on the Job Article of the current Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. After that point RIF rehire priority will be established in accordance with applicable contractual RIF procedures.
8. Normal contract or regulatory provisions affecting status, seniority, salary, and benefits shall be applicable to any changes effected. In these instances, an employee's salary will be determined by the RIF provisions of the contract.

APPENDIX 5

State of Vermont

Personnel Policies and Procedures

Number 3.3

Effective Date: July 1, 1999

Subject: **DISCRIMINATION COMPLAINTS**

Applicable To: All classified employees, as well as exempt, appointed, and temporary, with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: Kathleen C. Hoyt, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The State of Vermont is opposed to and contractually bound to respond to discrimination against employees on the basis of race, color, religion, creed, ancestry, sex, marital status, age, national origin, disability, sexual orientation, membership or non-membership in the V.S.E.A., and any other factor that is prohibited by law. The purpose of this policy is to establish protocols for reporting and investigating allegations of discrimination. Sexual harassment is covered separately in Policy 3.1. Reasonable accommodation for disability and the Americans With Disability Act are covered by Policy 3.2.

Many of the above-listed forms of discrimination are made unlawful by state and federal law. All are prohibited by the collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association, Inc. In addition to the prohibitions on discrimination, it is unlawful to retaliate against an employee for filing a complaint of discrimination. Allegations of such retaliation will be investigated in the same manner as reports of discrimination. Discipline for making a complaint of discrimination that the complainant knows to be false is not retaliation.

All employees, including but not limited to non-supervisory staff, supervisors, managers, and appointing authorities, are expected to comply with this policy and take appropriate measures to ensure that discrimination does not occur. Disciplinary action, up to and including dismissal, may be taken against any employee who engages in discrimination or who otherwise violates this policy, applicable state and federal laws, or the collective bargaining agreements.

In addition, every manager and supervisor within the State of Vermont is responsible for providing a work place free from discrimination. This duty includes disseminating this policy so that all employees are aware that:

1. They are not required to endure discrimination;
2. Discrimination will not be allowed;
3. This policy, the collective bargaining agreement prohibitions, and state and federal discrimination laws will be enforced; and
4. Charges of discrimination will be impartially and immediately investigated.

Managers are responsible for ensuring that all new employees receive a copy of this policy; for posting this policy in prominent and accessible locations in the work place; and striving to provide employees with diversity training. Any manager or supervisor who does not deal with discrimination complaints consistent with the terms of this policy may be subject to disciplinary action.

EXPLANATION OF TERMS USED

Agency - Throughout this policy, the term agency is intended to refer to all categories of State of Vermont Executive Branch government units. The term agency head refers to the appointed or elected head of each unit. This includes agencies, departments, offices of elected officials such as the Attorney General and Treasurer, and independent boards and commissions.

Appointing Authority - As used in this policy, the term appointing authority refers to the government official who is charged with making significant decisions regarding employees, to include hiring and discipline. The appointing authority may be the appointed or elected head of the government unit, or the official delegated by the appointed or elected official to make such decisions.

Discrimination - As used in this policy, the term discrimination is intended to include all forms of mistreatment or denial of privileges in the workplace based upon impermissible factors as established by state or federal law, applicable regulations, or the collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association, Inc.

Victim - Throughout this policy, the term victim means the actual or alleged target of the discriminatory behavior that is being investigated. It is not meant to exclude the victim identified in a claim of discrimination that is not substantiated by investigation. The term victim is not interchangeable with the term complainant because not all victims complain, nor are all complainants victims.

Complainant - An individual who brings allegations of discrimination to the attention of state officials.

REPORTING & RESOLUTION OF COMPLAINTS

The State, through this policy, commits itself to take necessary action to deter discrimination in the workplace. However, the fulfillment of this commitment will, in large part, depend on the willingness of employees to report prohibited behavior. A timely response to discrimination is essential to protect victims from further unwelcome behavior. It also ensures that the person responsible for objectionable behavior understands its impact on others. A timely report provides the best opportunity for the employer to expeditiously and effectively address the matter with the least possible adverse impact on all parties concerned.

Therefore, all employees should report any incidents of discrimination, based upon any of the prohibited factors, that they experience, witness, or of which they are aware. In some instances, such as where discriminatory or offensive behavior may be unintentional, informal and direct objection can be the best way to remedy a problem. In such instances, employees are encouraged, but not required, to identify objectionable actions to those who commit them, and to try to resolve issues informally.

The following process allows employees to freely report incidents of discrimination, free from threats of reprisal, and protects the rights of all parties involved.

These Reporting and Resolution of Complaints procedures may be expanded upon by individual departments and agencies. Any specific departmental policies and procedures must first be reviewed and approved by the Department of Personnel, Employee Relations Division.

TO FILE A COMPLAINT:

1. Any employee who believes (s)he has been the subject of discrimination shall report the alleged act(s) as soon as possible to any one of the following:

an immediate supervisor;

any agency management staff;

any agency personnel officer (agency personnel officers act as agency Equal Employment Opportunity (EEO) Officers); or

any member of the Department of Personnel Employee Relations staff, 110 State Street, Montpelier, VT 05620, 802-828-3454.

NOTE: Any employee may consult with the VSEA to request its assistance. (S)he may also file a complaint of discrimination in accordance with the grievance procedures prescribed by the contract. The employer shall ensure that complainants and respondents are advised of their right to VSEA representation under the circumstances required by the contract.

2. Employees who witness discriminatory acts are encouraged to report their observations to any of the appropriate state officials identified in this policy.

COMPLAINT PROCESSING PROCEDURE:

1. Complaints Will Be Promptly Referred to the Appropriate Authority

All complaints received by a supervisor, manager, EEO or personnel officer, Department of Personnel staff person, or any other state official will be immediately referred to the departmental personnel officer of the employee who is the alleged victim of the discriminatory conduct.

2. Agencies Will Promptly Respond

Once a complaint is referred to an agency, the agency personnel officer will notify the appointing authority and the Department of Personnel to ensure timely and complete review of the complaint. The Department of Personnel and appointing authorities shall ensure that an investigation is conducted when any instance of discrimination comes to their attention, even in the absence of a complaint. The steps to be taken upon receipt of a complaint are:

a. Appointment of an Investigator.

The responsibility for determining who will investigate and the scope of the investigation is with the agency head. The appropriate agency head is the official in charge of the agency that employs the victim. If in a single incident there are multiple victims employed by more than one agency, the agencies will coordinate with the Department of Personnel to identify a single responsible appointing authority to conduct the investigation. If the individual accused of discrimination is a state employee not under the supervision of the same agency head as

the victim, immediate notice of the allegation will also be made to the agency head of the accused employee. If the complaint is made against the head of an agency, the complaint will be forwarded to the Commissioner of Personnel. The Commissioner of Personnel will inform the Secretary of Administration and the responsible Agency Secretary, in the event that the target of the complaint reports to an Agency Secretary. The Commissioner of Personnel will coordinate a response on behalf of the Secretary of Administration.

The investigator assigned may be an employee from the same agency, another agency, or may be someone hired on a personal services contract to conduct the investigation. The investigator should be appointed in writing and given specific instruction on the scope of the investigation. Where the allegations include claims of serious misconduct that may constitute criminal conduct, the agency head may elect to defer investigation until completion of a criminal investigation, but only after consultation with the Commissioner of Personnel.

b. Notification to Complainant, Victim, and Accused

Within five workdays, the appointing authority shall issue written notices to complainants, victims, and those accused of discriminatory acts.

For a complainant who is not a victim, the notice should acknowledge the complaint and state that the agency is taking action and that any retaliation should be reported to the agency or Department of Personnel.

For a complainant who is a victim, the notice should also state that the State will endeavor to prevent any additional prohibited activity, that an investigation will be done promptly, and that a written response will be provided when the investigation is completed.

If the complainant identifies specific state employees accused of wrong doing, written notices should be provided to such accused employees. For an employee accused of discriminatory conduct, the notice should state: that the employee has been accused of discriminatory behavior; that while no conclusions about allegations will be drawn until completion of the investigation, such behavior is prohibited by law and the collective bargaining agreements; and that employees are subject to discipline, up to and including dismissal, for engaging in such behavior. The notice should also state that retaliation of any type is not tolerated and will be subject to discipline. Where the complaint alleges serious misconduct, the appointing authority should consider relieving the accused employee from duty with pay.

Personnel officers should seek assistance from the Department of Personnel, Employee Relations Division before sending these notices.

2. Investigation Procedures

The actions taken by the investigator will vary depending on the nature of the allegations and the resources made available, however, the investigation should be broad enough to comply with the minimum reporting requirements listed in the following paragraph.

Witness Interviews

Investigators must comply with the collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association, Inc. when interviewing employees, especially those employees who are accused of or suspected of wrongdoing. Persons interviewed in the course of the investigation should be informed that statements made to the investigator are not confidential and that while the State's policy is to

strictly control distribution of investigative reports, such reports may be released as the result of a public records request or in the course of litigation.

Preserving Evidence

An investigator may find tangible evidence when investigating a complaint of discrimination. Examples include documents used in committing discriminatory acts or that memorialize such acts and non-documentary evidence such as graffiti on a wall or damaged personal property. Reasonable and prudent measures should be taken to preserve evidence. Where appropriate, photographs should be taken and prints labeled with time and place taken. Fingerprints may be taken from a wide variety of substances, thus, where suggested by the circumstances, evidence should be handled carefully to avoid the loss of existing prints or the addition of others. Investigators should seek the assistance of counsel or other experts whenever necessary.

3. Contents of Investigation Report

At a minimum, the report of an investigation into allegations of discrimination will include:

- a.) a summary of the allegations and how they were brought to the attention of state officials;
- b.) summaries of interviews with any alleged victims;
- c.) summaries of interviews of any employees accused of or suspected of wrongdoing;
- d.) summaries of interviews of any other witnesses who may possess information relevant to a fair resolution of the complaint; and
- e.) any documents or other tangible evidence, or photographs or descriptions of such evidence, as appropriate, along with notation of where such evidence is being held for safekeeping.

In any investigation where there is a disagreement as to any material facts, the investigator will state factual findings that reflect his or her resolution of that disagreement.

4. Distribution of the Final Report and Notification to Interested Parties

The final report will be provided to only the appointing authority and the Commissioner of Personnel. The Commissioner of Personnel may elect to provide copies to other state officials. Neither the final report nor the supporting materials will be provided to the victim(s) or employee(s) accused of wrongdoing. The victim will be provided a notice that the investigation is completed and be informed if any allegations are substantiated. The appointing authority will identify and take steps to promptly remedy any discrimination and prevent its recurrence.

The use of this procedure does not preclude any victim of discrimination harassment from pursuing any other legal remedy. To explore other remedies, employees may also contact the following:

Equal Employment Opportunity Commission

1 Congress Street

Boston, MA 02114

617-565-3200 (Voice/TDD)

Complaints must be filed within 300 days of the adverse action.

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609-1001

802-828-3171 (Voice/TDD)

Complaints should be filed within 300 days of the adverse action.

Vermont Human Rights Commission

135 State Street, Drawer 33

Montpelier, VT 05633-6301

802-828-2480 (Voice/TDD)

Complaints must be filed within 360 days of the adverse action.

Vermont State Employees' Association, Inc.

155 State Street

Montpelier, VT 05601

802-223-5247

Signed by Kathleen C. Hoyt, August 6, 1999

Approved, Secretary of Administration

APPENDIX 6

State of Vermont Personnel Policies and Procedures

Number 10.0

Effective Date: March 1, 1996

Revised Date: May 15, 2002

Subject: **GRIEVANCE PROCEDURE**

Applicable To: All classified employees with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: Kathleen C. Hoyt, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The purpose of this grievance policy is to set forth the process for the resolution of complaints and grievances filed by an employee, a group of employees, or the duly certified bargaining representative, the Vermont State Employees' Association, Inc. (VSEA) as established by the applicable labor agreement and Vermont law.

Employees and supervisors are expected to make a sincere effort to reconcile their differences at the lowest possible organizational level.

All decisions and resolutions must be consistent with the Agreements between the State of Vermont and the Vermont State Employees' Association, Inc., the Rules and Regulations for Personnel Administration, State and Federal laws and current policies.

DEFINITIONS

COMPLAINT - is an employee's or group of employees' informal expression to the immediate supervisor of dissatisfaction with aspects of employment or working conditions under a collective bargaining agreement.

GRIEVANCE - an employee's, group of employees', or the employee's collective bargaining representative's expressed dissatisfaction, presented in writing, with aspects of employment or working conditions under a collective bargaining agreement or the discriminatory application of a rule or regulation, which has not been resolved to a satisfactory result through informal discussion with immediate supervisors.

MANAGEMENT REPRESENTATIVE - the appointing authority/administrative head of the department, or person selected as designee.

WORKDAY - Monday through Friday, excluding legal and administrative holidays and the day after Thanksgiving.

GENERAL PROCEDURES

Managers and supervisors must consult with their agency/department personnel officer regarding grievance issues to obtain guidance during the process.

When a decision is rendered on a Step II grievance, the agency/department personnel officer must forward a copy of the grievance and the decision to the Employee Relations Division of the Department of Personnel. Any additional information that is pertinent to the issue (such as letters of reprimand, performance evaluations, etc.) must also be submitted along with the grievance decision. This is to ensure that the Employee Relations staff has adequate information to review the case if a Step III grievance is filed.

VSEA may be present at Step III grievance hearings for bargaining unit employee grievances even if they do not represent the employee. The purpose is not to represent the employee, but to give their interpretation of the contract language at issue.

It is the responsibility of the management representative conducting a grievance hearing to act fairly and without prejudice in determining the facts which affect the granting or denial of a grievance. The Agreement provides instructions for the management representative in the discharge of this function including mediation of the grievance between the parties.

Employees may use a reasonable amount of work time without loss of pay or charge to accumulated leave to submit complaints or grievances, or to participate in grievance investigations or meetings, after requesting permission from the immediate supervisor.

The employer may not retaliate, harass or threaten an employee who has filed a complaint or grievance.

The Grievance Procedure Article of the Agreements between the State of Vermont and the Vermont State Employees' Assoc., Inc. must be followed for this purpose. This article outlines time frames that must be adhered to.

LEVELS OF GRIEVANCES

- Step I:
- (A) Immediate supervisor level. At this level, the complaint is discussed informally by the employee or his or her representative, or both, and the supervisor. The complaint must be filed within fifteen (15) workdays of the date upon which the employee could have reasonably been aware of the occurrence of the matter which gave rise to the complaint. *This is not a required first step of the grievance procedure.* A supervisor should always clarify with the employee if a discussion of a complaint is considered to be a Step I meeting.
 - (B) A Supervisor may elect not to meet with the employee and/or his/her representative in a Step 1 meeting. If such election is made, the supervisor shall advise the employee within two (2) workdays of receiving notice of the complaint/grievance.

The employee will then have ten (10) days to file his/her complaint or grievance in writing, to Step II – Department head level.

- (C) If a Step I complaint is initiated, the complaint shall be discussed informally by the aggrieved employee, or his/her representative, or both, and the immediate supervisor. If the issue remains unresolved, an employee must comply with the following time frames for filing to the Step II level:
- a. within ten (10) workdays after receipt of the Step I decision;
 - b. within thirty (30) workdays from when the employee first gave notice to the supervisor of his/her complaint as outlined above, whichever occurs first
- (D) An employee may opt to bypass the Step 1 procedure and file his/her complaint directly to the Step II (departmental level). If bypassing Step I, an employee must file a written grievance to the head of the employee's department, within fifteen (15) workdays of the date upon which the employee could have reasonably been aware of the occurrence of the matter which gave rise to the complaint.

Step II: (1) Departmental Level. If a satisfactory resolution cannot be reached at the Step I level, or it is the desire of the employee to bypass Step I, the complaint is put in writing and submitted to the agency or department head as a formal grievance. A grievance meeting with the agency/department head, or designee, may be requested by the employee or his/her representative. The complaint must be filed within ten (10) workdays after receiving the Step 1 decision or within 30 workdays from when the employee complained to the supervisor, whichever comes first.

NOTE: Complaints may be initially filed at Step II within 15 days workdays of the date upon which the employee could have reasonably been aware of the occurrence of the matter which gave rise to the complaint.

On the request of a VSEA Director, and with the approval of the Department of Personnel and the applicable appointing authority, the time limits for filing a Step II grievance may be extended for a specific period of time, not to exceed ten (10) workdays.

- (2) The grievance shall be discussed informally, either in person or via telephone, within ten (10) workdays of its receipt, between the employees, and/or his or her representative, and the department head or his/her representative.
- (3) The Department shall notify the aggrieved employee and his/her representative of the department's decision. in writing, within five (5) workdays after the discussion. The parties may mutually agree to postpone the discussion, but shall hold it as soon as practical.

Step III: (A) Department of Personnel level. If a satisfactory resolution cannot be reached at the Step II level, the written grievance may be submitted by the employee or his or her representative to the Department of Personnel. The employee or his or her representative may request a meeting to discuss the grievance. The grievance must be filed within ten (10) workdays after receiving the Step II decision.

NOTE: Complaints may be initially filed at Step III if the subject matter of the grievance is clearly beyond the control of the agency, department or institution head, and must be

filed within 15 workdays of the date upon which the employee could reasonably have been aware of the occurrence of the matter which gave rise to the complaint

- (B) If the employer fails to render a decision at Step II or Step III within the prescribed time limit, the employee may proceed to the next step within the time limits above. Failure to issue a written decision within the time frames specified at Step III for disciplinary action grievances may result in the automatic granting of the contractual remedy requested and directly applicable to the employee. Any dispute over such contractual remedy will be decided by the VLRB.

Step IV: Vermont Labor Relations Board (VLRB) level. An appeal of the Step III level decision may be made by the employee or his/her representative to the VLRB in accordance with the rules and regulations established by the Board. Step IV grievances must be filed within thirty (30) days of receipt of the Step III decision. **NOTE:** An employee may appeal his or her dismissal directly to the Vermont Labor Relations Board within the time limits specified by the Board

Vermont Supreme Court

An appeal of a VLRB decision may be filed with the Vermont Supreme Court within 30 calendar days of a Step IV decision. Vermont Supreme court rules of procedure and hearing schedule of the court will dictate the timing of any decision.

CONTENTS OF GRIEVANCE

A grievance must contain the following information:

1. The full name and address of the party or parties submitting the grievance;
2. Identification of the State agency, department or institution involved;
3. A statement of the facts concerning the grievance;
4. Specific references to the pertinent section(s) of the contract or of the rules and regulations alleged to have been violated;
5. A statement of the specific remedial action sought;
6. A request for a grievance meeting, if desired.

Approved, Secretary of Administration

Date

APPENDIX 6 (Continued)

State of Vermont Personnel Policies and Procedures

Number 10.2

Effective Date: March 1, 1996

Subject: AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Supersedes ADA Grievance Policy Dated September 24, 1992

Applicable to: All classified employees, as well as exempt, appointed, and temporary, and applicants for employment with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William Sorrell, Secretary of Administration

PURPOSE AND POLICY STATEMENT:

The following grievance procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It is intended to provide prompt and equitable resolution of complaints alleging any violation of the ADA by a department, agency, or instrumentality of the Executive Branch of the government of the State of Vermont by reason of employment practices and policies or the provision of services, activities, programs, and benefits. This Grievance Procedure is available to State employees and to the public.

GRIEVANCE PROCEDURE

1. The complaint should be in writing and contain the name, address and phone number of the complainant and the location, date, and description of conduct or circumstances from which the violation is alleged to arise. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

2. The complaint should be submitted to the following individual, who is hereby designated to coordinate ADA compliance on behalf of the Executive Branch, as soon as possible but no later than sixty (60) calendar days after the complainant becomes aware of the alleged violation:

Secretary of Administration
 Vermont Agency of Administration
 109 State Street
 Montpelier, VT 05609-0201

Phone: (802) 828-3322 FAX: (802)828-2428 TDD: (802) 828-3342

3. Upon receipt of the complaint, the Secretary of Administration shall refer the matter to an official ("the official"), generally the appointing authority of the affected agency, department or instrumentality, and shall notify the complainant of the referral. "Appointing authority" is the person authorized by statute, or lawfully delegated authority, to appoint and dismiss employees.
4. Within fifteen (15) calendar days after filing of the complaint, the official (or his or her designee) will communicate with the complainant and discuss possible resolutions ("the conference").
5. Within fifteen (15) calendar days after the conference, the official will respond in writing to the complaint. Upon request, the response will be made available in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the State of Vermont and offer any options which the State deems appropriate for substantive resolution of the complaint.
6. If the response by the official does not satisfactorily resolve the issue, the complainant may appeal the decision of the official within fifteen (15) calendar days after receipt of the response to the Secretary of the Agency of Administration.
7. Within thirty (30) calendar days after receipt of the appeal, the Secretary of the Agency of Administration or his or her designee will review the complaint, conduct any meeting with the complainant or further investigation (s)he may deem appropriate, and respond in writing with a final decision regarding the complaint. Upon request, the response will be made available in a format accessible to the complainant, such as large print, Braille, or audio tape.
8. All complaints filed, appeals to the Secretary of Administration, and responses from the official and Secretary of Administration or his or her designee will be kept by the Executive Branch for not less than three (3) years from the date of filing of the complaint.

SPECIAL PROCEDURES

Following are special procedures for State employees and persons deemed to be State employees with respect to employment-related complaints.

The collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association, Inc., Article 5, ("No Discrimination or Harassment") states that State employees are protected from discrimination, intimidation and harassment because of their handicap or other factor for which discrimination is prohibited by law. The State/VSEA Agreements give employees the right to file a grievance under Article 15 ("Grievance Procedure") if they believe that the contractual provisions have been violated. Employees who are

covered by such agreements who believe that the actions of the State of Vermont as the employer have violated their rights under the Americans with Disabilities Act have the right to pursue such a claim through that same contractual grievance procedure in accordance with the terms thereof. However, if the employee seeks to pursue a grievance over a decision of the State Reasonable Accommodation Committee, such grievance must be filed with the Vermont Labor Relations Board within thirty (30) calendar days of receipt of the decision of the committee or the matter shall be considered closed.

Persons who are not State employees as defined in 3 VSA 902 (5), but who work for the State of Vermont in a managerial, confidential, exempt, temporary or other capacity, are deemed to be State employees under 3 VSA 902 (4), only to the extent that they have the right to file, in accordance with the terms of the contractual grievance procedures, a grievance claiming that the actions of the State of Vermont as their employer violated their rights under the ADA. Such a grievance may be pursued up to, but not beyond, the Step III grievance level.

Nothing in this Grievance Procedure will toll any statute of limitations under local, State, or federal law.

This Grievance Procedure shall take effect upon execution and supersedes the Department of Personnel ADA Grievance Policy issued on September 24, 1992.

APPENDIX 7

AGENCY OF TRANSPORTATION GUIDELINES FOR DISCRIMINATION COMPLAINTS

PURPOSE/COMMENT: To affirm the Agency of Transportation (AOT) policy on the duties and responsibilities of managers and supervisors relative to harassment, illegal discrimination, and hostile work environment issues.

GENERAL STATEMENT: These guidelines are for the use of AOT management and supervisory personnel in addressing concerns, inquiries and complaints regarding alleged or actual harassment and illegal discrimination occurring in the workplace. They have been developed in accordance with existing AOT and State Department of Human Resources policies and adhere to the tenets set forth in the applicable provisions of the Collective Bargaining Agreement, copies of which are attached.

1. Vermont Agency of Transportation Policy Manual, Policy Number 2002
2. Vermont Agency of Transportation Policy Manual, Policy Number 2012
3. Sexual Harassment, Policy Number 3.1 State of Vermont Personnel Policies and Procedures
4. Discrimination Complaints, Policy Number 3.3, State of Vermont Personnel Policies and Procedures
5. Article 5, No Discrimination or Harassment and Affirmative Action, Collective Bargaining Agreement
6. Article 14, Disciplinary Action

IT IS THE DUTY AND RESPONSIBILITY OF ALL MANAGERS AND SUPERVISORS TO ADHERE TO AND ENFORCE THESE POLICIES. ANY AOT MANAGER OR SUPERVISOR WHO IS AWARE OF, BECOMES AWARE OF, KNOWS, OR REASONABLY SHOULD HAVE KNOWN OF HARASSMENT OR ILLEGAL DISCRIMINATION OCCURRING AND FAILS TO ADDRESS THESE ISSUES MAY BE SUBJECT TO DISCIPLINARY ACTION.

1. Consistent with the attached policies and articles of the Collective Bargaining Agreement, all complaints or inquiries received by AOT managers and supervisors relating to harassment and illegal discrimination must immediately be reported, in writing, to the AOT's Chief of Human Resources, Chief of Civil Rights, appropriate Personnel Administrator, or the Agency EEO Officer. The written report must include all pertinent information surrounding the complaint or circumstances, including:
 - Names(s) and Job Titles of complainant(s), witnesses, victims, and alleged respondent(s).
 - Description of incident(s), activity, comments, etc. giving rise to the inquiry or complaint.
 - Location(s) where incident(s) occurred.
 - Date(s) and time(s) of incident (s).
 - How and when you (Manager/Supervisor) became aware of the incident(s).
 - What, if any, corrective action(s) have you taken or are you considering to resolve the issue.

Managers and supervisors are required to address issues of harassment, illegal discrimination and any factor that contributes to the creation or continuation of a hostile work environment. It is incumbent upon them to make every effort to resolve such issues at their level of responsibility. Prior to initiating any disciplinary or corrective action, the Agency Chief of Human Resources or appropriate Personnel Administrator must be notified. The Human Resources staff will assist managers and supervisors proposing such action(s) to ensure that they are in accordance and consistent with the tenets set forth in the Collective

Bargaining Agreements, and AOT and State Department of Human Resources policies. In all instances where an employee is alleged to be a respondent in a complaint, he or she will be immediately informed of his or her right to have a representative of his/her choosing present at all stages of the complaint process. Bargaining unit employees will receive appropriate notification of their rights to representation prior to any meeting, interview, or discussion in which responses or answers to questions or information provided could result in discipline.

A supervisor or manager who witnesses an incident or who learns of a situation which could be reasonably construed to be harassment, creating a hostile work environment, or illegal discrimination is immediately required to forward a written report to the AOT's Human Resources and Civil Rights Units. Once a complaint has been filed or a report made to the AOT's Human Resources Unit, staff will be assigned to perform a complete and timely review and/or investigation. The Human Resources and/or Civil Rights staff will coordinate any investigation with the appropriate supervisor(s) and/or manager(s). The investigation and response will normally be completed within thirty (30) days. The AOT's Human Resources and/or Civil Rights Unit(s) will discuss their findings with the appropriate Division Director before final action is taken.

Managers and supervisors shall encourage employees to report incidents of harassment and illegal discrimination immediately and without fear of reprisal. Employees may report such incidents either to their immediate supervisors, managers, the Human Resources unit, the Civil Rights unit or all of the preceding levels at the same time. Recognizing that issues of a disturbing and sensitive nature may be presented, every reasonable effort should be made to maintain confidentiality in order to protect the interests and rights of all parties concerned.

2. When a complaint is filed or a report received regarding these issues, the Chief of Human Resources or Civil Rights will assign a staff member to review the issue. In all instances, a thorough, complete, and objective investigation of all complaints will be conducted in a timely manner. Corrective action, if deemed necessary, will be implemented. Employees who are exonerated of wrongdoing will also be notified.
3. Supervisors and/or managers are responsible for identifying, and taking steps to promptly remedy, any harassment, hostile work environment, or illegal discrimination found to have occurred or that continues to occur.
4. Supervisors and/or managers are responsible for taking corrective measures and/or disciplinary actions as required.
5. Supervisors and managers will be subject to discipline for not taking appropriate and timely steps to report incidents or for not taking appropriate corrective measures and/or disciplinary actions.

Managers and supervisors are reminded of the Agency's "Zero Tolerance" policy regarding harassment and illegal discrimination and their responsibility to ensure a work environment free of any and all harassment and discrimination.

6. Managers are responsible for assessing the ongoing training needs of employees assigned to them. This effort to improve communication, conflict resolution, and general supervisory skills will provide for a more efficient, positive and harassment and discrimination-free work environment. Managers are responsible for communicating these training needs to the AOT's Human Resources Unit or Civil Rights unit and for participating in developing a training plan to meet the needs of their respective units.

Managers or supervisors having questions regarding the attached policies, complaint processing procedures or appropriate inquiry response, are directed to contact their immediate supervisor or any of the individuals listed below for assistance. Managers and supervisors are instructed to respond to these issues promptly. Unreasonable delay will not be tolerated and could lead to disciplinary action.

Kari Miner, Human Resources Manager: 828-4612

Lori Valburn, Civil Rights and Labor Compliance Chief: 828-5561

Colleen Montague, EEO Manager: 828-2715

APPENDIX 8

VERMONT AGENCY OF TRANSPORTATION	ORIGINAL POLICY ADOPTED 08/15/1985	ORIGINAL POLICY IDENTIFIER PPM 0501
POLICY MANUAL	EFFECTIVE DATE 06/01/1996	IDENTIFIER 2002
	RESPONSIBLE SECTION SC	SUPERSEDES N/A
SUBJECT: Discrimination	SCREEN/PAGE 1 OF 1	

STATUTORY REFERENCE/OTHER AUTHORITY: Executive Order 13-93 dated November 12, 1993

APPROVAL DATE: July 17, 1996

APPROVED BY: Glenn Gershaneck, Secretary of Transportation

PURPOSE/COMMENT: To establish Agency of Transportation policy on any form of discrimination

POLICY STATEMENT: It is the policy of the Vermont Agency of Transportation that no person shall, on the grounds of race, color, religion, ancestry, sex, sexual orientation, place of birth, age, physical or mental condition, be excluded from participation in, denied the benefits of, be subjected to discrimination under any program or activity administered by the agency. Every contractor, subcontractor, supplier, vendor and consultant with whom the agency conducts business shall adopt and commit to the enforcement of this policy.

POLICY HISTORY

ORIGINAL POLICY ADOPTION DATE: 08/15/1985

REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:

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APPENDIX 9

VERMONT AGENCY OF TRANSPORTATION	ORIGINAL POLICY ADOPTED 07/01/1985	ORIGINAL POLICY IDENTIFIER PPM 1030
POLICY MANUAL	EFFECTIVE DATE 06/01/1996	IDENTIFIER 2004
	RESPONSIBLE SECTION SC	SUPERSEDES N/A
SUBJECT: Equal Opportunity Laws and Affirmative Action Programs	SCREEN/PAGE 1 OF 1	

STATUTORY REFERENCE/OTHER AUTHORITY: Title 3, V.S.A.

APPROVAL DATE: July 17, 1996

APPROVED BY: Glenn Gershaneck, Secretary of Transportation

PURPOSE/COMMENT: To establish Agency of Transportation policy relative to the observance of Equal Employment Opportunity laws and Affirmative Action

POLICY STATEMENT: It is the policy of the Vermont Agency of Transportation that the conduct of agency managers shall reflect the published agency position on Equal Employment Opportunity (EEO) laws and Affirmative Action (AA) programs.

POLICY HISTORY

ORIGINAL POLICY ADOPTION DATE: 07/01/1985

REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:

APPENDIX 10

VERMONT AGENCY OF TRANSPORTATION	ORIGINAL POLICY ADOPTED 11/01/1993	ORIGINAL POLICY IDENTIFIER None
POLICY MANUAL	EFFECTIVE DATE 06/01/1996	IDENTIFIER 2012
	RESPONSIBLE SECTION SC	SUPERSEDES N/A
SUBJECT: Harassment	SCREEN/PAGE 1 OF 1	

STATUTORY REFERENCE/OTHER AUTHORITY: Agency of Administration Policy Statement issued November 01, 1993

APPROVAL DATE: July 17, 1996

APPROVED BY: Glenn Gershaneck, Secretary of Transportation

PURPOSE/COMMENT: To affirm Agency of Transportation policy on harassment

POLICY STATEMENT: It is the policy of the Vermont Agency of Transportation that no employee, customer or provider of goods or services to the agency shall be subjected to any form of harassment.

POLICY HISTORY

ORIGINAL POLICY ADOPTION DATE: 11/01/1993

REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:

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APPENDIX 11

<p style="text-align: center;">VERMONT AGENCY OF TRANSPORTATION</p>	<p style="text-align: center;">ORIGINAL POLICY ADOPTED 11/02/1992</p>	<p style="text-align: center;">ORIGINAL POLICY IDENTIFIER None</p>
<p style="text-align: center;">POLICY MANUAL</p>	<p style="text-align: center;">EFFECTIVE DATE 06/01/1996</p>	<p style="text-align: center;">IDENTIFIER 2015.1</p>
	<p style="text-align: center;">RESPONSIBLE SECTION SC</p>	<p style="text-align: center;">SUPERSEDES N/A</p>
<p>SUBJECT: OFFENSIVE LANGUAGE AND SEXUALLY SUGGESTIVE MATERIAL</p>	<p>SCREEN/PAGE 1 OF 1</p>	

STATUTORY REFERENCE/OTHER AUTHORITY: None

APPROVAL DATE: July 17, 1996

APPROVED BY: Glenn Gershaneck, Secretary of Transportation

PURPOSE/COMMENT: To establish Agency of Transportation policy regarding use of offensive language or display of sexually suggestive material

POLICY STATEMENT: It is the policy of the Vermont Agency of Transportation that employees shall (A) refrain from using language which another employee finds offensive or objectionable, and (B) not display on agency property any photograph, drawing, calendar, article or other sexually suggestive material. It shall be the duty and responsibility of agency managers to enforce this policy.

POLICY HISTORY

ORIGINAL POLICY ADOPTION DATE: 11/02/1992

REVISION NO: 1	EFFECTIVE DATE:	REASON: REPEALED 07/15/96
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:
REVISION NO:	EFFECTIVE DATE:	REASON:



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